

103  
**IMPLEMENTATION OF THE  
HELSINKI ACCORDS**

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Implementation of the Helsinki Acc...

**HEARING**

BEFORE THE

**COMMISSION ON SECURITY AND  
COOPERATION IN EUROPE**

**ONE HUNDRED THIRD CONGRESS**

**FIRST SESSION**

**WAR CRIMES AND THE HUMANITARIAN CRISIS IN THE FORMER  
YUGOSLAVIA**

**JANUARY 25, 1993**

Printed for the use of the  
Commission on Security and Cooperation in Europe

[CSCE 103-1-1]



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# WAR CRIMES AND THE HUMANITARIAN CRISIS IN THE FORMER YUGOSLAVIA

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MONDAY, JANUARY 25, 1993

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

*Washington, DC.*

The Commission met, pursuant to notice, in room 2128 of the Rayburn House Office Building, at 2 p.m., Hon. Steny H. Hoyer, Chairman, and Hon. Dennis DeConcini, Co-Chairman, presiding.

Present: Senator DeConcini, Representatives Hoyer, Smith, Wolf, Fish, Frank, and McCloskey,

Staff present: Samuel G. Wise, Staff Director; Jane S. Fisher, Deputy Staff Director; Mary Sue Hafner, Deputy Staff Director and General Counsel; David M. Evans, Senior Advisor; Erika B. Schlager and Ronald McNamara, Staff Assistants.

Co-Chairman DECONCINI. As Co-Chairman of the Helsinki Commission and one who has followed developments in the former Yugoslavia quite closely, I want to thank Chairman Hoyer for convening and devoting the time that he has to the human dimension, particularly in Bosnia-Herzegovina. Thank you, Mr. Chairman.

These were scheduled before I became the Chairman, if I have been formally elected. As you know, the chairmanship switches from Congress to Congress and nobody has led this Commission with greater skill and devotion than Chairman Hoyer.

I am grateful to the expert witnesses who will be addressing various aspects of the human tragedy in the former Yugoslavia based on their personal observation and experiences.

I traveled to Macedonia and Croatia recently and met with refugees from Bosnia-Herzegovina, including recently released detainees from concentration camps. Their stories document systematic and premeditated war crimes perpetrated against innocent civilians, including children. Listen to the personal accounts of men and women who have been victimized during the course of the war there and you quickly recognize the haunting pattern of genocide.

We heard and continue to hear the reports of willful killings, rapes, forced impregnations, ethnic cleansing, torture, and other heinous crimes—war crimes and crimes against all humanity.

The bold cries “never again” made in the past have today muted a policy of appeasement which has become grotesque in its hypocrisy. Nobel laureate Elie Wiesel, himself a camp survivor, has said, and I want to quote, “Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented.” He continued, saying, “Wherever men or women are persecuted be-

cause of their race, religion, or political views, that place must—at the moment—become the center of the universe.”

Our failure to act upon our words and commitments equals the type of neutrality which, Mr. Wiesel reminds us, helps the oppressor, it helps the tormentor. We cannot claim ignorance today. We cannot take refuge behind pleas of ignorance this time.

The world community has looked for every excuse not to act decisively. It has engaged in an endless series of talks which we all pray will bring peace but which we know in our hearts are only helping the aggressor unless and until we back up our negotiating rhetoric, back it up with force instead of more meaningless words.

On Thursday, Chairman Hoyer and I introduced resolutions calling for decisive action by the United States to address the urgent humanitarian and security concerns in Bosnia-Herzegovina. We, for our part, will work to ensure that these concerns are not ignored, not the least of which is to ensure that those who are guilty of war crimes and crimes against humanity are held accountable by an international criminal tribunal.

Thank you, Mr. Chairman, and I yield now to you for any statement you care to make.

Chairman HOYER. Thank you very much, Senator DeConcini. I certainly agree with the remarks that you have just made.

As you have said and as many in this room know, members of the Helsinki Commission have been closely following events in Yugoslavia for a long time. We have had numerous congressional and staff delegations to the region over the past several years. We have issued extensive reports on developments there and we periodically communicate our concerns and views to the administration.

Most recently our Chairman, Senator DeConcini, along with Representative Frank McCloskey, who joins us here on the dais, visited Croatia and Macedonia in November, and Commission staff observed the Serbian elections in December. In addition, Representative Chris Smith, a member of the Commission, now the ranking Republican member of the Commission and someone who has been a leader in human rights issues as a member of this Commission for many, many years, and Frank Wolf, also a member of this Commission, have visited these republics as well.

I especially want to take this opportunity to commend our Chair, Senator DeConcini, who has been a leading voice in the Congress on the issues surrounding the ongoing human rights violations in the former Yugoslavia. He has been relentless in pursuing possible avenues of action and in committing his time and energy to visiting the region.

The conflict in Bosnia-Herzegovina is a particularly brutal one because it is largely being waged against noncombatants. Each day we see vivid images of civilians dodging sniper fire in order to cut down trees to heat their homes. We witness the murders of elderly people searching for water to drink and bread to eat. And we hear testimony regarding the mass rape of women and children—rape of children—a practice intended to physically and mentally scar and humiliate a society.

All of these acts are part of the systemic policy of “ethnic cleansing,” a policy based on prejudice and designed to commit genocide



against a people. If we fail to come to terms with these issues in Bosnia-Herzegovina today and in the short days ahead, we will have to deal with them tomorrow in Kosovo or other regions within the CSCE community.

Indeed, events over the past weekend—renewed fighting in Croatia and an escalation of Serb attacks on Bosnia—graphically illustrate the potential for the crisis to degenerate and escalate even further.

To address the massive atrocities in this region, the growing threat of regional instability, and long term implications of American and European inaction, I, along with the ranking House Minority Member, Chris Smith, have introduced a resolution, of which the Senator has just previously spoken, which he and others have introduced on the Senate side, which addresses the ongoing brutality in Bosnia. It is a call to action based in large part upon elements of resolutions already adopted by the United Nations, resolutions which, regrettably, have been neither fully implemented nor enforced. To that degree they have been empty rhetoric, fuel on the fire.

Among other things, this resolution urges our government to take a leading role in seeking the immediate lifting of the international arms embargo as it applies to Bosnia-Herzegovina, in keeping with that country's right to self defense as provided for under Article 51 of the Charter of the United Nations; to seek the enforcement of the existing U.N. no-fly zone through the use of a multinational coalition; to ensure that irregular forces in Bosnia-Herzegovina either withdraw or be subject to the authority of the government of Bosnia-Herzegovina, or, in the alternative, be disbanded and disarmed, with their weapons placed under effective international monitoring and control.

In addition, this resolution calls upon the United States to seek an increase in the number of refugees from Bosnia-Herzegovina permitted to enter the United States and to urge our European allies to do the same, and to work to ensure that those responsible for war crimes in this conflict are held accountable by an international criminal tribunal.

I believe that we cannot remain on the sidelines while brutality of such unspeakable proportion ravages a people in our own backyard. We speak of forming the political and institutional framework for a new world power, Mr. Chairman. Yet the events in Bosnia-Herzegovina suggest that the worst of the old order has been replaced by demagogues and megalomaniacs liberated by the end of the cold war. If we permit these people to prevail, the new era will be shaped by the voices of violence and vengeance, and not by the principles of accountability and democracy.

This hearing constitutes a part of our ongoing effort to receive up to the minute information about an extremely dynamic situation and to assist our effort to try to formulate appropriate responses to those events by the U.S. Government and its allies, and the United Nations.

We are grateful to have with us today an impressive panel of experts who will help with this process. We would also commend very strongly the nongovernmental community in particular, who have

worked tirelessly and often at great personal risk to ensure that these critical issues receive the attention they deserve.

Mr. Chairman, I have suggested to our staff, and will further discuss with you, that we have an ongoing series of public hearings to include somebody who can give us an historical perspective—in my opinion, there are significant analogies to be made between the 1930's and the world's present posture as it relates to Yugoslavia in the 1990's—as well some military advice. Mr. Chairman, we know that the answer to every problem is not placing U.S. military might on the ground. There has been great concern expressed. But if the problems that confront us and the difficulties that confront us lead us to be silent in the face of tragedy, in the face of genocide, then, Mr. Chairman, we will be condemned to relive the tragedies of the past.

And I again congratulate you for your leadership in this effort and want to assure everybody that, as Co-Chairman of this Commission, I will be urging us over the next 60 days to have numerous hearings, to make sure that we focus on this issue, and that we, with the Clinton Administration, our NATO allies and the international community as referenced by United Nations action, respond in the true sense of a new world order that expects international civility, responsibility and accountability.

Thank you, Mr. Chairman.

Co-Chairman DECONCINI. Representative Hoyer, thank you. I think that is an excellent idea and it won't take a lot of urging on my part and I agree with you that I think we need to focus on this as much as we can, as urgently as we can, and as often as we can.

I now yield to the ranking member on the House side, Chris Smith, from New Jersey. We are very glad to have you.

Mr. SMITH. Thank you very much, Mr. Chairman. I want to thank both chairmen for their leadership. I have been on the Helsinki Commission now for 11 of my 13 years and this is one of the most bipartisan, truly concerned committees or commissions, in the Congress, dedicated to human rights and democratization. Both you gentlemen have done an outstanding job and I want to thank you for your leadership.

Mr. Chairman, despite a myriad of diplomatic efforts and entreaties by the United Nations, the EC and U.S., the war in Bosnia shows few signs of abatement. Reports of known deaths attributable to the war range between 100,000 and 200,000 people.

A few weeks ago, in a Foreign Affairs meeting of members and staff, President Izetbegovic told us that his estimate was that 200,000 people had perished as a result of the war. The wounded, starving and emotionally scarred put the casualty count into the millions. The savage intensity of the war has forced three million Bosnians from their homes and the number of refugees is staggering. Last week the U.S. Department of State estimated that 70,000 people are being held in detention camps.

As reliable reports of massive atrocities, including rape, torture and ethnic cleansing, have become known, the moral imperative to take effective action intensifies. We have, as you have spoken so eloquently, Mr. Chairman, a moral obligation to do more.

Last week Chairman Hoyer, Mr. McCloskey and I, joined by Mr. DeConcini on the Senate side, introduced a resolution pressing for

U.S. action to uphold Bosnia's right to self-defense by lifting the arms embargo which has penalized that nation, while Serbia has had the ability to wage this aggression with very little to stand in its way. The resolution calls for enforcing the no-fly zone, which has been violated repeatedly. As when Mr. Wolf and I were visiting in Croatia over a year ago, MIG's flew overhead with little or nothing to impede them dropping 500 pound bombs.

The resolution also calls for ensuring the delivery of humanitarian assistance, by force if necessary, and aggressively pressing for unimpeded access to all camps, prisons and detention centers by the ICRC and others.

Finally, the resolution states that the United States should work to ensure that those responsible for war crimes and crimes against humanity be held accountable and that Europe and the United States should allow for more refugees to enter.

I want to welcome our panel and thank them in advance for the work that they have been doing as well as for the information that they will bring to us and by extension to the American people via this hearing. Thank you.

I yield back, Mr. Chairman.

Co-Chairman DECONCINI. Thank you, Representative Smith.

I know Representative Hamilton Fish is here, the ranking member on the Judiciary Committee who has been a leader in human rights for many years, and we welcome him, if he would care to join us here.

I now will yield to Frank McCloskey of Indiana, who is a distinguished member of the Armed Services Committee and the Foreign Relations Committee, has traveled to this area on his own on several occasions, and has also traveled with the Commission. We welcome you here, Representative, and thank you for your input and your tenaciousness in this particular area.

Mr. McCLOSKEY. Thank you very much, Senator DeConcini. And I particularly would like to thank and commend you and Congressman Hoyer for your continuing leadership and courage on this very vital issue.

I want to take as little time as possible away from witnesses but given the gravity of this issue, and particularly with the Hoyer-DeConcini resolutions being introduced, I want to make the following points.

First of all, very simply speaking, Western policy has failed. It has failed outright. It has failed because diplomatic tools, the U.N./EC negotiations, U.N. sanctions, and U.N. peacekeeping, are not adequate to deal with genocidal Serb aggression.

The American people cannot afford such a policy failure. Genocidal Serb aggression defies the will and conscience of the world. It also threatens our national security, which remains tied to the well-being of Europe and the credibility of the U.N., NATO and the CSCE.

Genocidal Serb aggression cannot be stopped by diplomacy. It is fueled by a virulent nationalism that has much in common with Nazism, that has about as much in common with legitimate Serb interests as Nazism did to German interests, and that responds to diplomacy much as Nazism did.

More than a year ago, close to Christmas time, I personally viewed the civilians who had been brutally murdered during Serb ethnic cleansing in Croatia. One of these victims was a 72 year old, a U.S. citizen, an elderly woman, a U.S. citizen from Erie, Pennsylvania. This very important aspect, I might say, along with the other ongoing brutalities, has been somewhat lost in the pace of events.

The same people who murdered these 58 civilians, Seselj's White Eagles, went on to commit most of the ethnic cleansing in Bosnia. We did not stop them in Croatia and now the same White Eagles stand ready to begin the same ethnic cleansing in Macedonia.

The failure of negotiations has given Serb nationalists 18 months more yet to murder and rape.

I commend the Clinton Administration for making Bosnia its highest foreign policy priority. The President can count on my support and the support of this group assembled here today for forceful U.S. policies in the Balkans. I might say I would personally hope that with all the knowledge and information that is on the table, that is well known and accepted now, that this review would be very, very brief, to say the least.

The second point I would like to make is that the present state of events has been embedded among Western governments by what I would call the big lie.

Few if any Western governments have been willing to own up to the failure of Western diplomacy in the Balkans, or indeed to level with Western publics on the full horror and implications of what Serb forces are doing. We have seen that in some of the headlines, this New York Times this Sunday, as to the Serbian atrocities, primarily Serbian atrocities in the concentration camps over there.

Instead, Western governments have tried to hide their defeatism, their lack of political will, and indeed their appeasement of Serb aggression behind a facade of political and humanitarian engagement. I call this the big lie. I want to highlight some of its components today.

Lie number one is to pretend that a just and lasting peace can be achieved by negotiation with the perpetrators of genocide. That is, to sit down with genocidal criminals. This lie has assumed grotesque and absurd proportions at the U.N./EC mediated talks in Geneva.

When Neville Chamberlain tried appeasement in Munich in 1938, he could at least argue that concessions to Hitler could save peace for our time. War and the holocaust were yet to come.

Cyrus Vance and Lord Owen are hopefully unwittingly but very definitely practicing appeasement. This is so despite the lessons of Munich and despite the lessons of 18 months of genocidal Serb aggression in Croatia and Bosnia, and clear signs that it is on the way in Macedonia and Kosovo.

It is high time for Western governments to undo this lie number one. The truth is that Geneva offers only the illusion of a peace process.

This illusion plays into the hands of the Serb aggressors, betrays their victims, lulls Western publics into a false sense of hope and security, and fuels further Serb aggression.

This illusion—and we have seen the ramifications of this, and they were predictable, over the weekend—this illusion has failed to undo the de facto partition of Croatia or introduce a just and lasting peace there. It cannot undo the de facto partition of Bosnia or create a just and lasting peace there. It can only encourage Serb fascists to continue their genocide in Bosnia and move on to more of the same in Macedonia and Kosovo.

Lie number two is to pretend that the humanitarian relief effort—and I think Mr. Hoyer has been very eloquent in this regard—to pretend that the humanitarian relief effort in Bosnia is working, that Western governments are honoring their pledge to get humanitarian aid to the Bosnians no matter what it takes, as former President Bush put it. But we all know the headline or the magazine item in recent days in the Time Magazine section about some 52 Bosnians, primarily youth, freezing on one cold winter night about a week ago, freezing to death I might add.

I have the highest admiration for the relief workers who are trying so hard and at such risk to get humanitarian assistance into Bosnia. But the truth is the relief effort has fallen far short of Bosnia's needs.

Sarajevo is freezing and starving. Bosnians in the unconquered areas of Bosnia that we do not hear much about are freezing and starving.

The United Nations has predicted that up to 400,000 Bosnians could die this winter, not just from Serb shelling and killing but from the equally purposeful Serb policy of subjecting Muslims and Croats to freezing and starvation. I believe that prediction remains valid.

The trickle of relief that gets into Sarajevo, and the episodic convoys that get to outlying areas such as Gorazde and Zepa, offer only the illusion of relief.

Lie number three is to pretend that Bosnia is just another—and we have all heard this, in effect, let them all just kill themselves, they sort of deserve it, that Bosnia is just another so-called ethnic feud for which all sides are to blame.

Obviously there is blame on all sides but I think the entire world knows that the massively overwhelming greater part of this blame comes down on Serb forces, I might say, in Serbia and Bosnia, and also I might say in Croatia. There is little the outside world can do when Serbs, Muslims and Croats are intent on killing each other, so the line goes. This should be rejected for what it is. It is a flying slap in the face of facts.

In late December, in the Christian Science Monitor, I challenged President Bush to acknowledge that the actions of Serb forces in Bosnia constitute genocide, which the U.N.'s genocide convention requires be prevented and punished. The closest the Bush Administration got was a recent statement by a second echelon State Department official that the aggression "borders on genocide."

I say it is long time past to stop equivocating. Let us acknowledge that we are witnessing a new holocaust. History will judge us for this. And for God's sake, let us take the lead in putting a stop to it. Let's start punishing those responsible.

In conclusion, I want to especially commend and thank our two Co-Chairs today for, again, the DeConcini-Hoyer resolution. It is so

important that the sense of the Congress resolution introduced on the floor of the Senate and the House by these two noble gentlemen be thoroughly considered and overwhelmingly passed soon.

As Chris and others have mentioned, I think we are both honored to be cosponsors of this resolution in the House. It is bipartisan and it is a very strong and definite stand, one I might say that I think will be of special utility for the new Clinton Administration and the American people.

I fervently hope that it will move forward with the same urgency with which the new administration is reviewing U.S. policy in the Balkans.

Mr. Chairman, Mr. Chairmen, thank you very much.

Co-Chairman DECONCINI. Thank you, Representative.

Representative Fish, we are glad to have you. Do you have any statement you care to make?

Mr. FISH. No, thank you.

Co-Chairman DECONCINI. Thank you. We will proceed with our witnesses.

Our first witness is James R. Kunder, Director of the Office of Foreign Disaster Assistance within the U.S. Agency for International Development. His office recently released a report critically assessing the humanitarian relief effort currently under way in the former Yugoslavia and recommended specific action to redress the problems identified.

Mr. Kunder.

**TESTIMONY OF JAMES R. KUNDER, DIRECTOR OF THE OFFICE OF FOREIGN DISASTER ASSISTANCE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT**

Mr. KUNDER. Thank you, Mr. Chairman. Mr. Chairman, I appreciate the opportunity to appear before the Commission today to comment on the state of humanitarian relief operations in the former Yugoslavia.

With the Chairman's permission, I would like to summarize my testimony in a brief oral statement.

I do not have a happy report for the Commission today, Mr. Chairman. Based on observations during my October trip to the former Yugoslavia and the daily reports of my staff on the ground there, the international community is meeting only a small portion of critical human needs, especially in Bosnia-Herzegovina. We are facing Europe's worst humanitarian crisis since World War II. Innocent victims of that crisis are dying unnecessarily.

The problem, Mr. Chairman, is not resources. Various U.S. Government agencies have contributed more than \$162 million in relief supplies and services since this crisis began. The Europeans have given more. The world's best relief agencies are on the ground. Scores of individual relief workers have displayed heroism and dedication trying to get supplies to those in need.

Rather, what we have is a crisis of access. People are dying in the hills of Bosnia right now for a dramatically simple reason: men with guns are denying access to the victims.

Since my last trip to former Yugoslavia, I spent six weeks in Somalia, where I had the opportunity to further contemplate issues of

humanitarian access and humanitarian intervention. Regrettably, whether in Yugoslavia, Somalia, Sudan, Liberia, Angola, the denial of access by superior firepower has become the leading killer in disasters.

Current relief efforts on the ground focus obviously on keeping people alive through this severe winter. Distribution of food, plastic sheeting for shelter, stoves and similar cold weather equipment are the leading priorities. These efforts are severely hampered by the literal and figurative roadblocks thrown up by besieging forces.

For example, current efforts by the U.S. Relief Agency International Rescue Committee to move a needed 1,000 tons of coal weekly into Sarajevo are delayed by the demand that the coal be pulverized, ostensibly to prevent hiding weapons in the coal.

Since the crisis of access limits detailed assessment by relief experts, I cannot predict reliably how many people will die unnecessarily in the former Yugoslavia this winter. Estimates range from the tens of thousands to the hundreds of thousands.

I can say that average weight loss and declining birth weights observed by Office of Foreign Disaster Assistance staff in isolated locations in eastern Bosnia suggest a continuing and worsening degradation of health and nutrition conditions there.

Deaths from starvation, hypothermia and related diseases will increase significantly before spring, unless there is a dramatic improvement in the relief operation.

Reports from two of my staff have received wide attention recently. Tom Brennan's December report, to which the Chairman made reference, based on four months on the ground, was highly critical of relief operations in former Yugoslavia. Mr. Brennan, a highly regarded relief expert, has accurately described many of the problems relief workers face.

Also, Bill Stuebner's comments, based on his travel with a covert relief convey to Muslim-controlled pockets in eastern Bosnia-Herzegovina, traveling on icy, mined trails overnight to avoid detection by combatants, dramatized conditions in isolated regions of the country.

I regret that these two individuals were not able to join me today. Both have rejoined our disaster assistance team in former Yugoslavia to spur relief efforts there.

A central finding for Mr. Stuebner's assessment mission was a further confirmation of what we had expected previously: that Bosnians themselves are providing a very great proportion of the relief supplies reaching isolated populations, with UNHCR and other outside supplies providing in many cases only supplementary deliveries.

During the coming days and weeks we will concentrate on three aspects of the relief effort.

First, we will continue to support indigenous relief organizations with their attempts to serve their own people.

Second, we will continue to push supplies in whenever possible and devise new methods of delivering those supplies under the current conditions of limited access.

And third, we will continue planning for the delivery of expanded services if political reconciliation or new initiatives by world leaders end the crisis of access.

In the meantime, regrettably, suffering continues in the former Yugoslavia.

Mr. Chairman, that concludes my oral statement.

Co-Chairman DECONCINI. Thank you very much.

I think we will go ahead with the other witnesses here before we proceed with the questions.

We will now go to Catherine O'Neill, Chairwoman of the Women's Commission for Refugee Women and Children. The Commission has been actively involved in investigating and seeking treatment for the systematic rape and forced impregnation of Bosnian women and girls, and has been an outspoken advocate of their cause.

Ms. O'Neill, thank you for joining us.

#### **TESTIMONY OF CATHERINE O'NEILL, CHAIRWOMAN OF THE WOMEN'S COMMISSION FOR REFUGEE WOMEN AND CHILDREN**

Ms. O'NEILL. Thank you, Senator DeConcini and members of the panel, for holding this hearing.

The U.S., the U.N. and the world community have made a grave mistake in the way they have responded to the tragedy suffered by the people of Bosnia.

As we begin a new U.S. administration, it is appropriate to rethink this policy which has brought unspeakable suffering to so many innocent people and which has shown that without an adjustment, the United Nations cannot be effective in its humanitarian mission.

This fall, I led a delegation of American women to Croatia and Bosnia to talk with refugee women and humanitarian officials on the scene. We issued a report entitled "Balkan Trail of Tears-On the Edge of Catastrophe." While there, we found the following.

Women are the targets of this war. The goal of the Serbian forces, or as the refugees call them, the chetniks, who attack the villages is to move out the women and the children. There is no form of suffering they will not impose in order to accomplish their goal.

We talked to very elderly women who described how their homes were deliberately burned down in front of them and their life savings taken from them. We talked to a young woman who had been forced out of her home and who one week later had given birth on the road to twin babies. One baby died. One clung to life. The woman sobbed as she told us she had nothing left inside, no strength to give to her three year old daughter.

We heard about rape. We talked to women who stood close to their teenage daughters and talked of rape, about Serbian forces coming to their village, taking the young girls to a local school and gang raping them. Then when the girls were released, Serbian forces told them that if their families were still in the town, they would return the next week and do the same.

We heard about neighbors turning on the young daughters of families and raping them, perhaps to show Serbian forces who had arrived in their town that their loyalty to the Serbs could be counted on. Several times, in telling us about rape, women emphasized the horror of a neighbor acting in this barbaric fashion.



In Croatia virtually all the refugees are women and their children. No side allows any able-bodied man to run from the horror. All are expected to fight.

The refugee women, if they are "lucky," lived one family to a mattress in unheated, unsanitary conditions inside makeshift shelters. They had lost everything, their homes, their savings. They had, as they told us, only the clothes on their back. Their husbands, fathers, sons and brothers were either dead, fighting, hiding, in detention camps, or who knows where. The women everywhere we went cried as they told us of their personal horror.

The refugee women are traumatized by the direct violence they have experienced in this brutal war. But the women who sobbed to us in Croatia were, in a sense, the blessed. They had escaped the horror of Bosnia. And now no one else is being allowed out. Croatia had closed its borders to new refugees, stating that it could absorb no more. Families in Bosnia who had lost everything, no matter how old, how young, how innocent, had to stay inside Bosnia.

While there, it was clear to us that the U.N. relief effort, with the support it had available, was completely inadequate for the enormity of the task it had been presented. A few examples.

One UNICEF official told us to please recommend that more trucks be made available. There were not enough trucks to send into Bosnia any of UNICEF's feeding packages for vulnerable children. We, the Women's Commission, wondered why the NATO military trucks could not be painted white, labeled with a big U.N. sign, and used to save the lives of those babies.

Convoy drivers were being recruited from the ranks of Europe's unemployed truck drivers. One relief official said to me, as I watched the latest group of convoy drivers arrive at a U.N. office—they had arrived from Britain—"Thank God there is a recession in Britain and truck drivers are desperate for work."

A U.N. relief operation, we thought, implementing a United Nations Security Council resolution should not have to be dependent on the happenstance of unemployed truck drivers, regardless of how brave and competent those convoy drivers have been.

A Red Cross official sat down with a map to show us how the relief conveyed the U.N. used were on tortuous, slow maintain paths used to bring in the supplies. These Red Cross officials pointed out that these roads were sure to be closed with the bad winter weather.

We were also shown railroad routes that run right through Bosnia, through all the major towns, as well as main highways, which were not being used for the delivery of relief because they were not secure.

We wondered why the U.N. did not militarily secure reliable relief routes, since not doing so made delivery of relief more expensive, less reliable and certainly impossible as the winter weather arrived.

We met with a U.N. official who had traveled from a Bosnian town under siege by the Serbs, Banya Luka. She had come through six U.N. checkpoints to talk to us and talk about what life was like in a town undergoing ethnic cleansing.

She wondered why she, as the U.N. official, lives with her staff of three, along in a house with no power and no electricity and no

phone, how she can be expected to monitor for the world community what is going on, when the U.N. protective forces which had been so long scheduled to be deployed to her town had not been deployed because it was not safe enough for them to be deployed there yet.

In her town, as with many, the ethnic cleansing will have been virtually completed by the time the U.N. forces on the scene arrive to stabilize the situation.

Finally, inadequate provision of life saving supplies. We were told by the World Health Organization that in Bosnia the biggest killer this winter could be the winter and that those most susceptible, the children and the elderly, could die in numbers of up to 400,000 if shelter, food and fuel were not provided.

As we now read stories of towns which have been without supplies for months, we know that a successful effort to accomplish this life preserving goal did not take place. A safe haven has not been secured. Families who have fled once often have no shelter in which to find relief and no town with the resources to take them in and provide them with even the most basic of life saving support.

What now? We have excused ourselves as a nation from this horror because we have said that Europe should take the lead, or because negotiations were in progress. We said we would become bogged down and we could not be sure whether doing something would prove successful. The U.S., the U.N. and the world community have relied too long on please and have been deterred too often because the solution was not guaranteed and easy.

Now with a new administration and the threat of death for so many so much more imminent, a new urgency in international policy should be expressed and new actions taken.

I applaud this Commission for its urgent attention to this issue. If I could just suggest a few thoughts, some of which concur with your recommendations.

Enforcement of the U.N. no-fly zone should be immediately done. In the future, when the United States supports a U.N. humanitarian resolution, the enforcement of that resolution should be included inherent with its adoption.

Two, securing of humanitarian relief convoy routes. The weight of the U.N. Security Council, when it votes to deliver aid, should not be countermanded by thugs or fighters on any side who close off a road or demand ransom in order to allow U.N. convoys safe passage. Those who dare interfere with humanitarian relief should be on notice that they risk their own safety.

Citizens of those nations around the world who support the U.N. should know that the U.N. relief is being delivered in the most direct, efficient manner, and that it is not being siphoned off to be sold or to support any army. The trucks, as well as the communications and logistic supports of NATO, should be loaned under U.N. flag for the relief effort.

Women and girls. The U.N. and the international community, following the EC report and all of the other reports of rape as a weapon of war, should, in an organized fashion, document the evidence and bring to trial those who under cover of war raped and barbarically attacked women and young girls.

Article 27 of the 4th Geneva Convention, Article 14 of the 3rd Geneva Convention, and Article 76 of Protocol 1 of the Geneva Convention all indicate that rape is a war crime. All outlaw rape. Women should be especially protected against any attack on their honor.

We have passed the point where the world should be outraged about the inhuman treatment of male prisoners of war, yet consider rape and torture of civilian women to be a normal component of war about which nothing can be done.

The Clinton administration and the U.S. Congress should provide international leadership in calling individual violators to justice. Settlement of the conflict should not result in an abandonment of the pursuit of these war criminals.

Every additional measure that needs to be taken should be taken in order to ensure clarification at the outset of future conflicts that rape is a war crime and the political will is there to prosecute it as such.

We need to establish safe havens within Bosnia as a fourth measure. The world community has closed its doors to refugees from Bosnia. Yet hundreds of thousands remain homeless within the country.

Recognizing all the implications it has for solidifying ethnic cleansing, but also recognizing that tens of thousands of innocent children might die in its absence, the U.N. should establish safe havens within Bosnia. It should notify fighters on all sides that in these territories the U.N. peacekeeping forces will fight to ensure that noncombatants are allowed to live without terror as their constant companion.

We should think in the United States about opening our doors for refugee status, particularly for traumatized women and children who have suffered the most in this conflict. We should open our doors and refugee women who have been most traumatized should, with their children, be given an opportunity for safe haven in the U.S. until the conflict subsides.

Sixth, an improved humanitarian military response at the U.N. Overall, there needs to be an on-loan standby, ready to dispatch U.N. international military force, with U.S. participation. It must be trained to secure humanitarian relief routes and prepared to use force to achieve its objectives. It must be trained as a peace-making force and not just a peacekeeping one.

Sadly, in this new world of disorder we must recognize that in Europe and in other parts of the globe we are likely to see suffering and violence which calls for international response. The U.S. should be a leader in preparing the U.N. to take a more effective role and in participating in that role.

Two final points.

Protection of minority rights. There is a potential for international chaos as many ethnic groups press for their own statehood. Senator DeConcini has been in other parts of the world recently where we also have a problem for minority rights issues causing possibility for civil war, ethnic cleansing and enormous conflict.

The U.S. should establish, with its U.N. partners, a set of criteria for the protection of minority rights which must be guaranteed by countries requesting legal recognition from the U.S. and the U.N.

Finally, the U.N. peace negotiations which are ongoing. In this conflict, as in many others, the U.N. should be applauded for supporting peace negotiations. But by backing away from enforcing existing resolutions delivering aid by all reasonable means, by enforcing a no-fly zone, we essentially have left the peace negotiators with no leverage.

The Serbs, who have been winning, have little reason to bargain seriously because there have been no concerted U.N. actions to enforce the existing resolution. There is no stick with our carrot.

Success is not guaranteed. In this new world of disorder we are in, the U.S. must be prepared to take chances without guarantees of success. We must acknowledge that in some cases it will be worth our effort to make an attempt to achieve our goals, and if necessary to suffer some losses. At least we will have tried. We will not have turned out backs. We will not have closed our eyes.

This horrible experience of the slow death of Bosnia-Herzegovina may have educated us all to a lesson: that the U.N., with support from the U.S., must take more immediate, effective and forceful humanitarian and military action, with some risk, before inaction leads to the death of nations.

Thank you.

Co-Chairman DECONCINI. Ms. O'Neill, thank you very much for that dramatic statement. We appreciate your efforts immensely.

Our next witness will be Eric Stover, Executive Director of Physicians for Human Rights. Physicians for Human Rights is an organization of physicians, scientists and health professionals who use their medical skills and expertise to investigate violations of international human rights and humanitarian law. It is currently involved in forensic investigations of war crimes in former Yugoslavia.

The Helsinki Commission was first privileged to work with this group several years ago in 1988, when they provided forensic experts to conduct an autopsy on a political prisoner who had died under highly suspicious circumstances in Czechoslovakia.

Physicians for Human Rights is uniquely qualified to assist the U.N. War Crimes Commission with its ongoing forensic investigation of war crimes.

I understand that some of the results of these investigations have just been made public on Friday, and we look forward to hearing Mr. Stover's remarks on them.

Before I proceed with you, Mr. Stover, I see that Mr. Wolf has joined us. Representative Wolf, do you have any statement you care to make? Fine.

Mr. Stover.

#### TESTIMONY OF ERIC STOVER, EXECUTIVE DIRECTOR OF PHYSICIANS FOR HUMAN RIGHTS

Mr. STOVER. Thank you, Chairman DeConcini and Chairman Hoyer, for holding these important hearings and for inviting me to testify.

Physicians for Human Rights believes that the United Nations Security Council should enforce the prohibition of grave breaches of the Geneva Conventions by establishing an international tribu-

nal at the highest level to investigate, prosecute, adjudicate and punish those on all sides who have been responsible for war crimes and crimes against humanity on the territory of the former Yugoslavia.

PHR believes those responsible for past abuses should be held accountable, both because we feel a duty to the victims and their families and because we believe that such accountability provides the most secure foundation for future respect for human rights and humanitarian law.

To that end, Physicians for Human Rights is now providing the United Nations with medical and forensic expertise to conduct impartial and independent investigations of violations of human rights and war crimes by all sides in the conflict.

In my oral remarks today I will concentrate primarily on the forensic evidence that we have collected in recent months. But I would like to mention two other areas in which we are involved.

Late last week an all female team of four physicians, which Physicians for Human Rights assembled, returned from former Yugoslavia. They went there with the Human Rights Center to investigate allegations of rape.

Physicians for Human Rights believes that rape should be considered a war crime. Because of the stigma attached to rape worldwide, shame often silences its victims. Rape can destroy a victim's feelings of human dignity, self worth and physical integrity. Women who are raped by soldiers or paramilitaries or militias cannot call for help, press charges or demand justice.

Moreover, when rape is carried out by soldiers or militia under orders, rape becomes a form of institutionalized violence.

We believe if and when a tribunal is established, that rape should be considered a war crime.

Today, a team of six physicians from our organization are arriving in former Yugoslavia and they will be looking into the humanitarian crisis that is taking place there. But one particular area will be of interest, and that is to look at the attacks that have taken place on convoys, because we believe that those attacks themselves can and should amount to war crimes.

Violent death due to war is often followed by slower death caused by epidemic diseases—measles, typhoid, diarrhea, respiratory infections—or famine.

Physicians for Human Rights believes that widespread and repeated military attacks on relief convoys that hinder the delivery of food, medical and other relief aid, to threatened civilian populations and, in turn, leads to the slow death of civilians by starvation, exposure and disease, is just as deplorable as violent death due to torture and extrajudicial executions.

Moreover, PHR believes that those responsible for attacks on relief convoys and relief workers should be held accountable to an international tribunal.

Now I would like to turn to the forensic testimony. And if we could have the lights down, I will be showing some slides.

Let me first begin by saying that last December I traveled to Geneva and signed an agreement with the War Crimes Commission, which is actually known as the Commission of Experts. And in doing so, in signing this agreement, Physicians for Human

Rights has agreed to send in forensic teams, international teams, to begin the investigation of mass graves in former Yugoslavia.

We are engaged in this activity to look at possible war crimes or crimes against humanity that have been undertaken by all sides in the conflict.

The case that I am going to show you today has not been determined as to who is responsible. However, some of the evidence is consistent with reports that this was carried out by Yugoslavian army soldiers and militia, Serb militia.

The case involves the city of Vukovar. On the 19th-20th of November 1992, as Vukovar, which is a city on the Danube, fell, Serb troops and Yugoslavian army forces took over the Vukovar hospital.

Shortly after that, the ICRC appeared in order to evacuate the hospital. What we know from witness testimony—and I can't go into too much detail about what they have told us—but at least we know that many, up to possibly 200 patients, some of them Croatian fighters who had been wounded, who were *hors de combat*, and also some civilians and hospital personnel were taken from the hospital.

They were then taken to a collective farm known as Ovcara, and before that held in a barracks in the city of Vukovar.

In the collective farm they were evidently taken into a hangar where farm equipment is held and they were beaten and tortured. And allegedly, two people from the hospital died under torture.

According to testimony, trucks then transported them out to the end of a ravine which was about two kilometers away from the farm, and they were executed in series of some 20 or 30 men each time, and then buried at the site.

Now this is a photograph of Vukovar. For any of you who have been to Vukovar, it was once a historical city. It is totally destroyed. There are probably up to 2,000 people who are still missing and unaccounted for as a result of the attacks on that city.

This is the road going from the farm up to the alleged site where the execution took place and where the grave is.

I would like to mention that we have done this work under the protection of the U.N. peacekeeping forces, who have been extremely helpful. The site that we are working at here is under the protection of Russian soldiers. There are about 30 of them who have been out there for the last three months since the grave was discovered. This is a U.N. truck coming up the road.

That is the hut in the background where the Russian soldiers are staying. And that is the barbed wire which is protecting the site.

We have arrived. This is December 17 and we are about to begin the investigation.

This is a slide of a couple of Russian soldiers who are staying at the site around the clock.

That is Clyde Snow on the left and Becky Saunders, an archeologist from Florida. Clyde Snow, who many of you know, has been involved in forensic investigations in many countries around the world.

This is the site where the alleged mass grave is.

At this point we had to clear out the sector. We brought in deminers from the Belgian unit to check for booby traps and mines.

Meanwhile guards were posted at various points around the sunflower fields, which were fallow, to protect the forensic team.

What is important here—and this is our first finding—those little red flags that you see to the right here, to the right of the grave—the dark area in the back, is the actual grave itself. Those are clusters of spent Kalyshnikov cartridges. And the pattern in which we found them suggests that the executioners—and this is our finding, that an execution did take place at the site. As the cartridges were ejected from a Kalyshnikov, they moved about a meter or two meters and they fell in a pattern to the right of the grave. Elsewhere around the grave we found no other cartridges.

Also, in the back of the grave there is scrub brush and small acacia trees. Through those trees we found bullet scorings and we also found an old chassis of a car—this used to be used as a farm dump—with an actual slug embedded in it.

This shows you partly what we do in a mass grave. We level the area in order to find out what the perimeter of the grave is. And in this case, as you will see in the maps in the back of my testimony, there are fracture lines where the grave has fallen in. And we were able to determine the size of the grave.

This is another member of our team, an Argentinean forensic scientist, Morris Tidball. We are staking out a test trench to run across the grave. We have the Russian soldiers to help us do some of the digging. And the test trench was run, and inside it we found the remains of nine bodies.

Also on the surface—also in the grave, I should mention, or in the trench, we found projectiles as well.

At the back of the grave we found a skeleton with gunshot trauma to the skull. And it appears that this person may have been trying to flee and was stopped and executed. We are not sure yet.

Again another skeleton found on the surface. In this sort of investigation, forensic anthropologists are looking at every bone and detail they can in order to reconstruct both the identity and the cause of death. And this entails collecting all the teeth so they can be x-rayed and compared with antemortem dental x-rays and other medical records.

Clothing was discovered and this should help us in our meetings with families to see if people can be identified.

This is a skull that was eroding from the grave. If you see the left cranial vault, just to the left eye socket there, that is an exit wound. It is outwardly beveled. And lower down, you will see by the mandible another exit wound. That is characteristic of a gunshot wound to the head.

Chairman HOYER. From the rear?

Mr. STOVER. From the side perhaps.

So we have been able to determine that the grave is a mass grave and it could contain as many as 200 bodies, given the number of bodies we found in the test trench. However, we are not sure that it contains 200. It may contain less.

We also were able to determine that the remote location of the grave suggests that the executioners sought to bury their victims secretly. There are many graves throughout the former Yugoslavia which may be a result of war crimes and there are other graves

where civilians or fighters were actually taken and buried. We need to distinguish the difference between these in terms of what are atrocities or what are simply the tragedy of war.

Finally, there was no indication that the grave had been disturbed since the time of execution and interment.

On one of the surface skeletons that we found was a small necklace. And this was important—well, let me just mention first of all, a small necklace and in the pocket of one of the skeletons was a small figurine in a little plastic pouch, no more than an inch or two high, with a saint.

And finally, on both skeletons on the surface we were able to uncover necklaces. And you can see it is a Roman Catholic or a Christian cross on the left, a good luck charm in the middle. The medalion on the right says—you can't see it very well but it says "Bog i Hrvati," which is "God and Croats."

Now that means this information we have uncovered so far is consistent—is not inconsistent with the possibility that these are the patients who were taken from the hospital. But before that determination can be made—and I stress this—with scientific certainty, the grave will need to be excavated and a number of bodies will need to be identified using forensic methods and techniques.

We plan to continue this work, looking at other graves that may be possibly atrocities committed by Croatian forces and Bosnian forces.

The reason I am showing you this information today is to demonstrate how physical evidence is collected from a mass grave. This is the kind of evidence, even if witnesses aren't present, that can still be used as court admissible evidence. It is the *corpus dilecti*. We are hopeful that once a tribunal is established we can bring this information forward, and that justice will be done.

Thank you.

Chairman HOYER. Thank you very much, Mr. Stover. The Chairman will be right back. Thank you for the lights.

Let me just ask you a question and then I am going to recognize Mr. Winter, because we are not going to questions now.

The age of the skull, the determination forensically of the length of time that the skull had been in the grave?

Mr. STOVER. I should mention I myself am not a physician or a forensic specialist—I am the executive director of Physicians for Human Rights. However, I have worked for the past 10 years organizing and participating in exhumations of this sort with the forensic experts.

Evidence not necessarily from the skull, but from looking at the grave and the texture of the soil suggests that the grave was dug within the last year or more.

Chairman HOYER. Thank you.

Our next and last witness is Mr. Roger Winter, who is the Director of the U.S. Committee for Refugees. Prior to joining USCR, Mr. Winter was the first permanent director of the U.S. Office of Refugee Resettlement, the lead federal agency providing services to refugees resettled in the United States. And he has extensive firsthand, on-site experience with refugee populations.

Mr. Winter, we very much appreciate your taking the time to be with us and look forward to your testimony.



**TESTIMONY OF ROGER WINTER, DIRECTOR OF THE U.S.  
COMMITTEE FOR REFUGEES**

Mr. WINTER. Thank you very much.

The U.S. Committee for Refugees has been, over the last 18 months, on site in five of the six republics of the former Yugoslavia. The focus, however, today is on Bosnia-Herzegovina, which had a population in April 1992 of 4.4 million.

Nearly one half of all Bosnians, some two million people, have lost or been forced from their homes. This includes about half the entire pre-conflict Muslim population.

Of all those numbers, about 1.1 million have sought refuge outside Bosnia. An estimated 810,000 are internally displaced within Bosnia. And Serbian forces have systematically destroyed the homes of Muslims who were forcibly displaced, making their eventual return all the more difficult and the extent of loss all the greater.

Based on our analysis of the humanitarian and human rights situation in the former Yugoslavia, I would like to make six recommendations and discuss at least the first.

The first is this: The U.S. Committee for Refugees urges the U.S. Government to invoke article 8 of the Genocide Convention to call upon the U.N. to authorize appropriate action "for the prevention and suppression of acts of genocide," not simply dealing with the after effects but to prevent and suppress acts of genocide which are currently being committed by Serb militia in Bosnia and Herzegovina.

We believe this is an important step necessary for establishing the moral, legal and political context for forceful action by the international community, as distinct from its current pattern of Chamberlainesque dithering.

Invocation of Article 8 has been delayed too long. It was justified months ago by the facts on the ground, some of which you have just witnessed in these slides. They have been widely known and not yet acted upon.

The statement early last week by the State Department that the action in Bosnia of Serb irregulars and their supporters borders on genocide, in my view, more than borders on dereliction of duty. Normal Americans understand very well that genocide is at work in Bosnia. It is time the U.S. Government officially used the word, officially invoked the convention, and officially began to act accordingly.

The most striking aspect of the humanitarian side of the conflict in Bosnia is that unlike most refugee flows, which are commonly a byproduct of war, the creation of civilian refugees in Bosnia is itself a major goal of the assault. Serb forces intentionally target civilians for all of these crimes. They actively encourage those who survive to flee their home areas.

Some have been fortunate enough to gain access to bordering states and become refugees. But the others who can't do so remain in the limbo of the internally displaced.

We and our colleagues, some here at this table, have documented systematic mass executions, systematic targeting for execution of the elites, a comprehensive propaganda campaign to support politi-

cally these kinds of actions, the conscious targeting of civilians by the Serb military, detention camps, organized impregnation by rape, torture, interdiction of relief for civilians, and prohibition and interdiction of international monitoring.

The U.S. Committee for Refugees calls on the United States to request the U.N. Security Council to authorize multilateral intervention in Bosnia and Herzegovina to prevent and suppress genocide. In our view, such action is not only authorized under the U.N. Genocide Convention, it is required by Article 1 of that convention.

Second, specifically as one means of preventing genocide, we urge that the U.N. Security Council declare safe haven zones for civilians *where they now live*, in Sarajevo and in other locations around eastern and central Bosnia, and announce that further attacks on those civilians in these centers will not be tolerated.

To date, the international community has had it all backwards. What we've done is wait for Bosnian civilians to be displaced and then we search for safe havens for them. Then we search for the resources, the opportunities to medicate them, to feed them. What we need to do, for those who remain in their homes at least, is to protect them *where they are*. It is ludicrous to wait for residents of those cities and towns to be uprooted and only then try to meet their needs. They need to be protected now on site.

Third, we call on the United States and other U.N. members to implement U.N. Security Council Resolution 770, which authorizes the use of all measures necessary to deliver humanitarian relief in Bosnia.

The skies over Bosnia and Herzegovina should be cleared of military aircraft, consistent with U.N. Security Council Resolution 781, to permit air drops of humanitarian aid to besieged areas.

Clearly marked U.N. convoys should immediately be provided with significant air and ground military escort to travel on direct, all weather roads to deliver relief aid. Any attacks on such convoys should be met with swift and forceful retaliation.

My organization is a humanitarian organization. I do not feel good about recommending military action that can result in loss of life. But it is my judgment, and I believe the judgment of all of my colleagues in this field, unless some order is restored to the situation, some logic to the mayhem that is over there, you cannot in fact operate any kind of normal humanitarian assistance program.

Fourth, we recommend a comprehensive plan of action to preserve the availability of asylum for those who need it, by increasing financial and other support to Croatia, Macedonia and other states in the immediate vicinity of the conflict, to encourage them to keep their borders open for those seeking asylum outside Bosnia.

A lot of people don't realize it but there is nowhere right now for many Bosnians to run. The borders of Croatia are closed. They have been closed since September of 1992. The borders of Slovenia are closed to Bosnian asylum seekers unless they have a letter that says that they are really going to move on somewhere outside of Slovenia.

It is terribly important that we collectively in this world share the burden with Croatia and Slovenia, so that, for those people who do need to run, there is in fact a place for them to run to.

Fifth, as one component of a comprehensive plan to preserve the availability of asylum in the region, we urge the United States to make 25,000 resettlement admission places available immediately for refugees from Bosnia and Herzegovina.

Refugees with special humanitarian concern for resettlement under expedited procedures should include former civilian detainees, displaced persons who are in mixed marriages, who will find great difficulty returning anywhere within the immediate area, and female heads of households who have lost their homes and whose husbands have been killed. These women are particularly vulnerable to sexual and other forms of abuse.

In making this suggestion for U.S. resettlement, I do not suggest that U.S. resettlement will resolve the refugee problem produced by the conflict in Bosnia. It can, however, if properly utilized by our officials, help keep asylum viable for all refugees in the region. And in fact it is the solution for a select group of refugees.

Lastly, we recommend that the Helsinki Commission quickly, and certainly not later than the upcoming CSCE meeting on migration scheduled in April, act to clarify the legal status of Bosnian refugees by recognizing that victims of ethnic cleansing indeed do fit the international legal definition of "refugee."

Most people do not realize it but for the great bulk of those who have fled the horrors that we have talked and read about so graphically, that in fleeing to other countries in the region they are not received as refugees, not in the neighboring countries and not in the countries beyond the immediately contiguous ones. Basically, in most situations they are provided only temporary asylum.

There is no legal provision that gives them any kind of security. And this in fact inappropriately places on these refugees a continuing state of insecurity and uncertainty and vulnerability. It treats them as if *they* were the problem when in fact the problem is their tormentors.

Mr. Chairman and members of the panel, in reacting to the tragedy that has unfolded in what was Yugoslavia, the world community has shown itself at its absolute worst. The European Community has been morally spineless. And even the United States, while certainly more respectable than the EC has been, will not be bathed in glory by those who analyze the history of this period in the Balkans.

I believe this is an important moment for the Congress to demand that the United States and the U.N. shift from its lackadaisical, half-hearted steps focused on treating the wounds of the victims only after they have been victimized, to a posture that prevents further victimization and forcefully protects vulnerable civilians.

If we don't, the Genocide Convention and all these other pretty pieces of paper to which we have acceded are really nothing but scraps of paper.

Thank you.

Co-Chairman DECONCINI. Mr. Winter, thank you for a very powerful statement and one that I wholeheartedly agree with.

We will now proceed back with questions by the panel. We will start with Mr. Kunder. Mr. Kunder, I will ask you one question and then yield to the Co-Chairman.

The recently submitted report of the Agency for International Development was critical of the international humanitarian relief that you have just mentioned in your statement here. It is particularly critical of the Office of the U.N. High Commissioner for Refugees, charging that it has generally opted for negotiations and appeasement, rather than forceful determination to deliver relief supplies to those most in need.

How did we get to this point of negotiating and how does this differ from other areas that you have been involved in with A.I.D., particularly, say, Somalia?

Mr. KUNDER. The report that I mentioned that the Chairman is making reference to, just to be clear for the record, was a report of one of our consultants, one of my employees, contract employees, who went to Yugoslavia and then made that report to A.I.D. So it was not a formal A.I.D. report.

Co-Chairman DECONCINI. Thank you for the clarification.

Mr. KUNDER. Although as I mentioned earlier, I believe that it accurately reflects conditions on the ground. Mr. Brennan also made a number of recommendations, which are his personal recommendations and not A.I.D. recommendations at this point.

Unfortunately, as I mentioned, whether in Yugoslavia, Somalia, Sudan, some other places around the world, Liberia, Angola, the world has slipped into—slipped away from the notion that those controlling the situation on the ground have the moral responsibility to permit access for relief workers to victims, and unfortunately slipped into a habit of permitting those on the ground, who specifically for political or military reasons want to deny access, to have the upper hand.

What Mr. Brennan reported was that up to a quarter of relief supplies in many cases were being siphoned off by Serb militias, both in Sarajevo and in some portions of the countryside, and that the U.N., rather than demanding access to victims of the fighting, had acquiesced in a process of negotiation.

I think he has accurately described the situation. I think he has accurately described what is happening in other circumstances around the world similar to Yugoslavia. And I think he is describing a policy that is dead wrong.

It was a mistake. It remains a mistake. It remains a mistake there, in Sudan, and in other parts of the world, to accept the premise that those with guns should determine the fate of innocent victims at the other end of the relief supplies.

Co-Chairman DECONCINI. Well, what is the difference between, say, Somalia and the U.N. High Commissioner for Refugees' position there versus what it is in Bosnia-Herzegovina?

Mr. KUNDER. I would say the critical difference is the question of the level of organization of the people in control on the ground. In Somalia, as we all know, we had a situation of absolute chaos. I think that you would be stretching it to say that even the most powerful warlords controlled very many people beyond their immediate bodyguards.

My sense is that here we have effective command and control mechanisms on all sides. To me, the message in that is that the judicious application of force, political or military, can have an effect on the ground.

I think the strongest argument for the direct intervention by troops in Somalia, a step I supported, was that there was simply no other way to bring pressure to bear on the system to ensure that relief supplies would get through.

I don't think you necessarily face that situation in Yugoslavia. I think application of political and military force can have an effect on the ground and can ensure that the relief convoys get through.

Co-Chairman DeCONCINI. Thank you.

Representative Hoyer.

Chairman HOYER. Thank you. Again speaking of the same report that was made to you, the report concludes that immediate U.S. political leadership and military intervention is essential to halt the genocide in Bosnia-Herzegovina.

Do you support that? Do you agree with that finding of the report?

Mr. KUNDER. I would like to ask for a bit of empathy from the Chair on this. As a person who was appointed to this position in the previous administration, realizing that we are in the first couple of days of the new administration, I don't want to get too far out in front of the policy-making process.

My strong feeling is that in the absence of some additional political and military force, the relief effort is not going to be successful.

We will be able to do some additional creative things through the indigenous relief agencies on the ground. We will be able to do some additional creative things through UNHCR, through our own efforts and some of the international NGO's.

I don't think the sum total of those efforts, without the addition of some additional force by the international community, is going to be sufficient to prevent thousands of deaths in Bosnia-Herzegovina this winter.

Chairman HOYER. Thank you, and I do understand. I appreciate your position. And one of the problems, of course, is that as we are in the midst of a transition here and there are those who would visit violence on others and try to take and are taking advantage perhaps of that transition, not just in this part of the world but in others.

You contrasted the anarchy and lack of political control that exists in Somalia with that that exists or may exist in the former Yugoslavia.

Can you comment and perhaps expand upon that to this extent: There have been other witnesses who have testified before this Commission over the past few months on these issues which have indicated first that the Yugoslav army is essentially under the command and control of Belgrade, but that there are within the Yugoslav army, as well as outside the Yugoslav army cooperating with it—not warlords I guess in the sense of Somalia, but essentially independent actors who have their own agenda to pursue, who may or may not be subject to Miliesovic or anybody else.

Could you comment on that and expand, please, on your answer to Senator DeConcini, as to what is the general consensus to negotiate a solution or an end to the violence, as opposed to the exerting of force on independent local terrorist groups?

Mr. KUNDER. As Director of the Office of Foreign Disaster Assistance, frankly, that is probably considerably beyond my area of re-

sponsibility. Let me, rather, use an example that I think gives some sense of what I believe we are talking about and what I think those of us in the relief community believe we are talking about.

Recently, after the great deal of press attention and attention on the Hill to the situation in eastern Bosnia, and specifically the besieged town of Zepa which was the subject of several media reports recently, areas that had previously been inaccessible to UNHCR convoys were opened up.

A convoy reached Gorazde. One had not reached there for several months previously. One reached Zepa, despite some backing and forthing on the road, after not having reached that town since the opening of the hostilities.

Anecdotal evidence like that indicates to me that when world pressure is put on this situation, that one way or another the word trickles down to the armed men at the roadblocks and progress is made.

Chairman HOYER. Following up on that—and then I will yield to Mr. Smith or Mr. Fish.

At the London conference on Yugoslavia, all parties committed themselves to cooperate fully in the delivery of humanitarian relief by road through Bosnia-Herzegovina. There has been a lot of testimony on that.

Would you comment on the degree to which the parties have lived up to the commitment, realizing full well that they have not? I am interested in your assessment, to the extent you can make it, of who has been more cooperative than others and therefore who we need to work on.

Mr. KUNDER. Well, there is not much question, sir, that since most of the areas where the greatest human suffering is are areas besieged by Bosnian Serb forces, it has been primarily the Bosnian Serb forces who have turned back the relief effort.

I would like to comment in that regard, I think we are still spending, unfortunately, too much time arguing in some cases whether the supplies are going to get through to combatants. This is frequently the kind of dispute you get on the ground, that, yes, we realize these are food supplies or medical supplies, but if they get through they are going to go to the front line troops.

Now this is not an unusual allegation in relief situations. While our guidelines prevent us from giving medical or food supplies directly to soldiers, I think it is no great secret that in combat situations, whether it is southern Sudan or Bosnia, that food given in some cases to wives of combatants, spouses of combatants, may make its way to combatants.

But some of the debate, too much of the debate, too much of the time expended has been on these kinds of issues. And a critical additional intervention that we should be discussing now, that I would like to recommend to the Commission, is a much sharper focus on the need to get expert assessment on the ground.

In any kind of catastrophe like this, the very first step, before you start pushing and talking about pushing in supplies, is getting a clearer picture of what the level of need is. And while I think there is no question that we have horrendous need throughout Bosnia, what we don't have is the access to get people on the ground to check the nutritional condition of the children and to

define some specific interventions that even the most suspicious roadblock is going to understand is purely humanitarian.

We should have, for example, in cities like Gorazde and Zepa, supplemental feeding centers for the children, where they are receiving high protein supplemental food.

There are some of these kinds of interventions and some of these kinds of assessment undertakings that I think we have not even taken the first basic step that you need to take in a relief intervention of this kind.

So I am sorry I answered your question in such a long-winded fashion but I think that we can get around some of these useless disputes that are taking up too much time by getting at this assessment issue.

Chairman HOYER. I think that is a very good, useful addition. Thank you very much. I have some other questions but I will come back to them in the second round, Mr. Chairman.

Co-Chairman DECONCINI. Representative Smith.

Mr. SMITH. Thank you very much, Mr. Chairman. I want to thank our panel for their very moving and expert testimony provided today.

Ms. O'Neill, you mentioned earlier that it is your assessment that there are about 400,000 women and children at risk in Bosnia.

Could you and Mr. Kunder comment on this? You spoke of the planning that is underway, as one of your three points, if and when—and hopefully it is a matter of when—the corridors are opened up so that humanitarian aid can get through.

Do you happen to agree with that assessment, that that is the approximate number, Mr. Kunder?

Mr. KUNDER. We are using the figure of 1.4 million people at risk. So that strikes me as a reasonable number, yes, sir.

Mr. SMITH. OK. Ms. O'Neill, you mentioned that there were not enough trucks for the children's packets and other important life saving commodities to be delivered. Are airlifts an option that is under consideration? And Mr. Kunder, you might want to comment on that, as well.

We know for a fact that during the crisis period airlifting did save many of the Kurds' lives when there was a massive migration in Iraq, although that needed to be supplemented, of course, by convoys.

But, on the short term, might not this be part of the answer?

Ms. O'NEILL. In the short term, Congressman, that is a very, very good suggestion.

I want to make the point, in answer to Senator DeConcini's comment about the United Nations High Commission for Refugees, I believe this is the first time in which they have been asked to be a lead agency inside a country.

Normally they work with refugees once they have crossed borders into an adjoining country. They do not have basic logistical equipment at all or necessary military or technical or communications equipment. Clearly the United Nations protective forces were not operating with any sense of urgency about their mission in getting that humanitarian relief through.

My suggestion is that when the U.N., with the Security Council support is asked to get humanitarian relief through, this is a very

good use for existing military equipment. It seems like re-inventing the wheel to require U.N. agencies to go out and buy it or lease it when it is there and could be put on loan to accomplish a goal of the U.N. member countries.

Mr. SMITH. Ms. O'Neill, based on the information that you have concerning rapes—and that is not only a crime against humanity and against individual women, but also a war crime—how many would you estimate have occurred? Is there any kind of number?

Ms. O'NEILL. As you know, the European Commission has made an estimate of 20,000. There are Croatian feminist leaders who estimate 35,000.

There is no way, in my judgment—and the European Community report says the same—that in a country at war, without any possibility of communicating, that you can make any kind of an accurate number, except that there is no question that it has gone on in an extensive way. And there is no way any of the groups can claim that they know the exact number. That does not diminish the importance of it.

Mr. SMITH. Do you think that there is any sense among the Serbs, particularly the leadership that apparently have given the orders for this activity as part of the ethnic cleansing process, that they will be held accountable? Do they think the West is indeed serious about convening war crimes tribunals, and assessing and documenting the kinds of atrocities that have occurred? The work of Mr. Stover's organization should at least give them a tangible sense that something is going to be done when all of the shooting stops.

Ms. O'NEILL. I don't believe that people believe they will be held individually accountable for these atrocities. And I believe that that is where the United States Congress and this administration is on the line, to pursue this and make this point, and establish this precedent, that those who committed violations on a personal level and who in the leadership capacity supported rape and barbaric treatment of women and young girls will be prosecuted. If they are not held accountable in this conflict and after this conflict, we will have given green lights for this action to continue and to be discounted in future conflicts.

It is urgent that the Geneva Conventions and the protocols be implemented and pursued and prosecuted following this conflict.

Mr. SMITH. I absolutely agree with you. The resolutions that have been introduced in both the House and Senate underscore the unanimity on the part of members of Congress. I think that fact needs to be broadcast, and this hearing hopefully will send that message once more to those who are committing these kinds of atrocities.

Mr. Winter, you mentioned in point number four the importance of being able to accept more refugees into Croatia and Slovenia. To the best of your knowledge, are there any negotiations underway now to try to get those governments to open up and to allow these people who are fleeing to come into their countries?

Mr. WINTER. To the best of my knowledge there are not at this point, although I am sure at some minimal level there may be light discussions, as it were, about this kind of thing rather routinely.



It is also, of course, the case that we are not in a good position to stimulate such kinds of discussions right now because we have been distinctly absent ourselves from participating in any kind of sharing out process. But to my knowledge, there are no such discussions and this is a horrendous thing.

People don't flee their homes and villages lightly. And when they do, if nothing else, they need a place to run to. And you can just imagine for yourself the terror when you try to flee and you are turned back by the legal authorities of a country that would represent a haven to you. That is what is happening to some of these people right now. It is a terrible thing and I would suggest we need to be part of that sharing out process in order to help Croatia and Slovenia open up again.

Mr. SMITH. I thank you for so strongly raising that point in this hearing.

Mr. Kunder, are there any plans along those lines?

Mr. KUNDER. Just to go back to your question earlier about the airlifts, if I could just for a second, sir. The issue of airlifts, which has been raised numerous times, is one that I guess that we react somewhat viscerally against because it is obviously the least cost effective and least efficient way of getting supplies to people in need, the least efficient way of targeting them accurately.

We have looked at the air strips, especially in the most isolated areas of eastern Bosnia. That presents a real problem. There simply aren't that many air strips that we could get into with large enough cargo planes.

If you then look to the question of air drops, we have already had one relief plane shot down, obviously, outside of Sarajevo, the Italian plane several months ago.

My argument would be that to some extent airlifts are a bit of a face saver but are not the effective way to reach the populations in need. You still face the same issue of confronting people with weapons who are trying to deny access to victims. And if one is ready to face up to that, then one should face up to the issue of ground transport and try to get the convoys in.

Ms. O'NEILL. Or open up that rail line, which would apparently be the most effective, if it could be militarily secured, and most efficient and least costly.

Mr. SMITH. Did you want to comment also on the other issue?

Mr. KUNDER. I am sorry. Would you repeat the question, please?

Mr. SMITH. Did you want to comment on whether or not there are negotiations underway, or planned with Croatia and Slovenia to encourage them to open up their borders to refugees as a safe haven?

Mr. KUNDER. I would be glad to get back to you on that, sir. I do not know the answer.

Mr. SMITH. I appreciate that much. One final question, and I thank you for the indulgence of time.

Mr. Stover, you mentioned that your team is going to be heading in mid-March back to Vukovar. What do you need from the U.N. and other organizations, including the United States and other countries, to help you to do your job more successfully? Is there anything we can do to help bolster your work?

Mr. STOVER. There is quite a bit, actually. You will see in one of the last recommendations in my testimony here, we believe the Commission of Experts desperately needs more staff and more resources to carry out its work.

Physicians for Human Rights is raising funds for the work from individual donors and our membership. We are paying for the lion's share because the U.N. Commission on Experts does not have that money.

We are not asking for money here but what would be helpful for us would be to have a clear mandate coming from the highest level of the U.N. stating that that grave is under U.N. jurisdiction and that those remains, the bodies there, need to be taken out and forensically examined in order to be identified and to determine cause of death.

Also, we are going to need a facility somewhere, in Europe perhaps—we have thought about Wiesbaden, where there is a military disaster unit. I am not sure if it is still in use now. But a military base of some sort where we can simply use a hangar, where we can bring the remains in to be x-rayed and to be examined by forensic pathologists and other experts.

We are a small organization. We can provide the expertise. But we are going to need logistical support to continue with it.

There may be other instances where we look at other graves that we won't need as much support. But it would be helpful to provide us with logistical support.

Mr. SMITH. Thank you. I have some additional questions but I will reserve.

Co-Chairman DECONCINI. Thank you, Mr. Smith.

For purposes of proceeding here, I am going to yield to members of the Commission first, being Mr. Wolf. And I would ask each person who asks questions in this round that you direct your question to one member of the panel, and ask as many questions as you want of that panel, so that we can all have an opportunity.

Mr. Wolf.

Mr. WOLF. I want to thank the Chair for the opportunity.

Chris Smith and I were in Vukovar several months before it fell and I was in Sarajevo Labor Day this year, in the airport. I am very discouraged. I think the Bush administration missed an opportunity by not moving in a more firm way earlier.

It appears, and it is unfortunate if this is the case, if the United States isn't involved—and how the involvement is, is another tough question—a lot really won't happen.

Somalia is an example. Until the United States got involved—and I think we owe a great debt of gratitude to President Bush—nothing really happened. You had the Pakistani troops at the airport. They didn't do anything. They even cooperated in some respects with the technicals and bribes. So I am really very discouraged.

Secondly, I agree with what Mr. Winter said. I think we should open up our doors and make it clear that we are out in front, almost from a point of view. And I also agree that the Europeans, the western Europeans have really been very, very negligent in this.

When we met with the EC people there a year ago, I felt that if my wife and children's lives were dependent upon these people that we would be in deep, deep trouble. And we have seen this thing grow and grow.

The West Germans or the Germans spoke out so much for the recognition of Croatia. They were all over the newspapers and all over Europe. But once Croatia was recognized you really haven't heard from them since. And yet they are paying a tremendous price because of the refugee issue.

Do you believe that Milesovic—and anyone who wants to comment—do you believe that Mr. Milesovic could turn this off any time he wanted to?

Mr. KUNDER. I will say the same thing I did in response to Mr. Hoyer's question. I think that we have a lot of anecdotal evidence that world public opinion is listened to and when pressure is put on, action occurs on the ground.

Mr. WINTER. They have no reason to believe any of the threats from the outside world at this point. Mr. Smith was asking, "do they believe." Well, Milesovic, none of them, down to the Serb irregular on the street, have any reason to believe, from the actions of the international community, of the EC, and even of the United States so far, that there is a reason to change their behavior.

It seems to me we collectively, the international community, but most particularly our government, our people, our nation, need to send that one signal that stabs through this morass of what I earlier called a lackadaisical sort of approach to all this, that stabs through the signal that lets them know that enough is enough.

Then maybe Milesovic, then maybe some of those guys on the street will change their behavior. But they don't have any reason to so far.

Mr. WOLF. Do you believe we should lift the arms embargo for the Bosnians?

Mr. WINTER. Yes. This is a little beyond our mandate institutionally, but I don't know how, in a situation which we believe to be genocide, the world community can be in a position where it doesn't itself internationally intervene to protect people and yet it continues to withhold from those people the resources they need to protect themselves. And they don't even have a place to run to when everything collapses around them.

To me, those are the options that are available in a genocide: we go in and protect them; we give them the wherewithal to protect themselves; or we at least help them run somewhere.

We have closed off all three options. It doesn't make any sense.

Mr. WOLF. My last question, I guess, is: What type of message, Mr. Winter, do you think the administration, the new administration, could send? Would it be—I felt that if we could send a General Schwarzkopf or someone like that over on behalf of the administration, to sit down with the Yugoslav and the Serbian military, to tell them that on a certain date we will be bringing supplies in to the women and the children through certain passages and certain roads, and on that date we will do everything we can to make sure that they get through, we meaning the West, NATO, EC and others.

What message do you think we could send which Miliesovic would understand that we are serious?

Mr. WINTER. I think the world should couple that with some of the kinds of things—forgive me, I am not a military expert—that General Dugan and George Kenney, the former State Department desk officer for Yugoslavia, were recommending back 6 weeks or so ago in the New York Times, where they talked about military actions that would convey very clearly in Serbia itself and elsewhere that the game is over now.

It seems to me that while you may want to build such an initiative around moving humanitarian supplies, you want the message to go all the way back home. And that may mean in this case in Serbia itself, that the game is over. And there may need to be a very clear indication that if this convoy doesn't go through, then a military action is going to happen back there.

Mr. WOLF. When we were there on Labor Day, in Belgrade, the gas lines were very, very long. Today I was told that the gas lines are almost nonexistent. When we drove down to Macedonia and into Kosovo, we saw more trucks coming in and coming out, that the supplies—so apparently the embargo is being violated as much as anything.

And I believe I could get—I forget who said it, but I think history will really judge the West very, very harshly. I remember hearing or reading all the stories about why we didn't act during the time of Nazi Germany. And I think that in five to ten years from now historians will wonder why did the West not act. And quite frankly, I don't believe that the Congress really covered itself with glory last year, and I think here is an opportunity.

I personally do not favor putting American troops on the ground in Bosnia. But short of that, I think we really have to act, because every day women and children are being killed. And I guess if this guy or these people get away with it, then what is going to take place in perhaps Soviet Armenia, or Moldavia, or Soviet Georgia, or where does it end? We really don't know.

I appreciate your testimony. Thank you. And I thank the Chair.

Co-Chairman DECONCINI. Thank you. Representative McCloskey.

Mr. McCLOSKEY. Thank you very much again, Senator. Two or three questions, perhaps. But first I want to say I am really so in awe by the stark eloquence of all our panelists today, with everything they have said that in some ways there is little to be said.

But particularly as to the comments of Ms. O'Neill and Mr. Winter, I guess you would not purport to military expertise. But I for one quite seriously would feel a little better, though my hopes are high, if you were on the National Security Council, if we could arrange that.

In all seriousness, and maybe it is too obvious a question, but I think the policy actions that the Clinton administration could take now could be worked out within a matter of days, at the most. But a day, three hours is so much to a family, a father looking over a family with the children starving. Or if you are in a concentration camp, five minutes is an eternity, a lifetime.

Would one of you perhaps—I don't know, with the medical background—talk about even what one week could mean to the nutrition of children affected there right now?

Mr. WINTER. I don't have a medical background. I can tell you I have personally been involved in at least a dozen or 15 civil war situations and seen civilians at the worst end of the continuum. And I have equally seen how quickly those who aren't so far gone that they will definitely expire can recuperate. You can turn around some of these things very quickly if you provide the right inputs. But all of those inputs take a coherent security situation.

Ms. O'NEILL. And to follow up on what Roger Winter said, this is the most urgent time, because the World Health Organization told us that the children would die from winter-related diseases. This is the dead of winter. This is the most crucial time to act, to get relief in and to get some fuel in and to get some plastic sheeting in, to provide shelter, because it is the winter and it is diseases of the winter that will kill those babies.

Mr. McCLOSKEY. Thank you. And one other aspect for which I particularly want to thank Mr. Winter is the stated concern of refugees.

When Senator DeConcini and I visited Macedonia and Croatia, I think we were very well briefed and saw firsthand both the personal, on the ground, and if you will, official implications for the refugees in both Macedonia—and you mentioned Macedonia, Mr. Winter—and Croatia.

But particularly, no one has stressed the plight of Macedonia right now. But basically they are shut down to the point economically they are almost one big concentration camp among their entire civilian populace.

And I honestly believe, Senator, to the best of our knowledge, the hotel we were in four or five weeks ago, which may be the only heated building or one of the very few heated buildings in the entire society, the Bosnian refugees in the camps there at Skopje—in effect, many of them had been there months with snow on the ground and did not have shoes.

When we talked to—and obviously the expense of any refugee on that society right now is massive and they have these recognition problems and other problems, to say the least, with Greece. And we get very solid reports, if you will, that the White Eagles and the chetniks are building up in Macedonia. So they are in a grim situation in their own right and need more help if they are going to be encouraged to take any refugees.

Mr. Tudjman, in particular, was very eloquent about the fact that the refugee costs are 20 percent of their monthly budget. In effect, they are printing the money and destroying the Croatian economy to maintain refugees. They said they would be more than willing to take a lot more from Bosnia if the West responded.

I might say when the Senator and I were at—I believe it was at Karlovac, with refugees coming in within the previous 24 hours from—I believe it was Omarska, if I am saying the name of that detention center, if you will. The simple fact was that at that time, after I had been on the record and various American official sources were on the record that we should be taking Bosnian and other refugees, the A.I.D. officials—and maybe Mr. Kunder can comment on this—on the ground there at that point, about five weeks ago, said, you know how many Bosnian refugees the United States had taken at that point, zero.

Mr. WINTER. It is still that way.

Mr. McCLOSKEY. We had made a commitment to take somewhere between 1,000 and 2,000, Steny, whatever it was. I haven't gone over this in recent weeks. But we had made the commitment but the relief officials on the ground said it was zero, not one.

And what happened is we made the commitment but we are going to investigate and bureaucratize this process, have detailed clearance, where at least some of the other European nations involved were taking them instantaneously on the basis of words.

So I think what Mr. Winter has said, Mr. Chairman, is very, very important as far as an entire, if you will, refugee relief package and a congressional thrust on this, which can be worked out hopefully expeditiously and very positively. But that whole refugee situation only threatens to get worse.

Co-Chairman DECONCINI. Representative Fish.

Mr. FISH. Thank you. And I would like to thank the Co-Chairs for their courtesy in allowing me to be part of this important hearing today.

Mr. Winter, with your long background that I am very familiar with, I think it would be helpful while we have you here if we buttoned up for the record some of the legal authority that is necessary for implementing some of the suggestions you have made.

For example, the United Nations Security Council declaring a safe haven zone for areas in Bosnia. What would be the authority of the Security Council to do that?

Mr. WINTER. It is my belief that in declaring a safe haven zones in Bosnia, the U.N. Security Council would find total cooperation from the government of Bosnia, so that it could in fact be a collaborative effort. The government of Bosnia is a legal government, is recognized by the United Nations. It may in some sense of the word have some authority of its own to declare such a safe haven. But it doesn't have the wherewithal to provide for it.

In combination, it seems to me the Security Council and the government of Bosnia have all the legal authority they need.

Mr. FISH. And with the examples that we already have, particularly in Somalia, of the use of military force for humanitarian purposes, I would imagine that the multilateral ground forces used to ensure the delivery of humanitarian assistance to the safe haven zones could then be really a fairly limited operation and you get away from the argument that we are talking about hundreds and hundreds of thousands of troops to restore order there.

You are talking about much more incisive companion efforts that are directed at what Ms. O'Neill said was the immediate need for food and shelter and humanitarian assistance.

Now let's turn to your other suggestion with respect to the United States making available 25,000 resettlement admissions.

Now as you and I know, the Refugee Act of 1980 defines what a refugee is. And as of the first of the fiscal year, October 1, after consultation involving Members of Congress and the administration, we settled on a figure. But the act does provide for review and emergency considerations during the course of the fiscal year.

Could you walk us through that, as to what would be required to make the case, please?

Mr. WINTER. Yes. First of all, for those who are not as familiar with the Refugee Act as I know you are, Mr. Fish, the act requires consultation between the Congress and the Executive Branch.

A proposal would be received from the Executive Branch for the numbers, explaining the reasons why those numbers are necessary. The actual decision as to the numbers is also an Executive Branch decision, after receiving the comments of the House and Senate Judiciary Committees.

I would personally like to see the initiative come from the administration. But we have a new administration that is not fully in place right now.

I would love to see this Congress ask the administration to come to the Congress, the requisite committees, and make such a request, thereby providing the Executive perhaps the political security that they need to do that.

As you know, there are ceilings established at the beginning of the year and there are appropriations issues that are involved with supporting refugee admissions.

My organization takes the position that we are dealing with emergencies when we are dealing with refugees and we ought to give priority to those that are in the maximally vulnerable circumstances.

Priority in this case seems to me to be very justifiably accorded to Bosnians who are in need of resettlement spaces. And it may mean that we have to do some reprogramming of other existing numbers to try to get something like this resettlement of Bosnians off the ground quickly, reprogramming of numbers, reprogramming of resources within the appropriations that we currently have.

Ultimately, if in fact somebody wiser than I determines, there may need then to be a supplemental appropriation. But that is a little bit down the road. It seems to me the commitment needs to be made first, so that this show can get on the road.

Mr. FISH. These refugees, how are they defined? Do they have to be of special humanitarian concern?

Mr. WINTER. Yes.

Mr. FISH. And what about the international definition of refugee being somebody outside his or her own country? Is that going to present a problem here?

Mr. WINTER. It is my understanding from our people on the ground and others outside our own organization that there are more than an adequate number of excellent candidates, given the kind of vulnerability criteria I have suggested, to be accommodated.

We don't have to get into the situation of taking people from within Bosnia itself. There are people already in contiguous countries that are part of the build-up in those contiguous countries that prevent new people from getting there.

However, as you know, Mr. Fish, under the act, notwithstanding the international definition, the United States can resettle people who are currently in Bosnia, Bosnians who are currently in Bosnia, if we choose to do that. There is a B provision of the law that permits that kind of thing, which is why and how we take people from within the former Soviet Union to the United States, or from

within Vietnam to the United States, even though they are still within their home country.

So when all is said and done, those things, it seems to me, don't need to be an impediment. The mechanisms are in the law. The law is a very good law. It is made to be flexible because it is made to deal with emergency circumstances. We ought to take advantage of its flexibility.

Mr. FISH. Thank you very much, Mr. Winter. Thank you, Mr. Chairman.

Co-Chairman DECONCINI. Thank you. We will proceed now with questions of other witnesses. I do have one question. I have a number of questions but time is running out.

I would like to address my question to Mr. Winter. Recently, Representative McCloskey and myself were in Macedonia, as he pointed out. We went to refugee camps. And as he demonstrated a few minutes ago, it was very severe. There is an embargo from Greece to the south and the country is hurting very badly.

I would like to know your opinion, if you think it would help the stability of the area if Macedonia was recognized?

It seemed to me that Macedonia could barely meet its own obligations for its own needs and really was pressed, hard pressed for international assistance, and recognition would help. But I don't want to put words in your mouth.

To prevent the spillover which is happening there or at least to cope with it, it seems to me that more international aid might be forthcoming in Macedonia if in fact they were recognized by the United Nations and certainly by the United States and other Western countries. Could you comment?

Mr. WINTER. I can begin by suggesting this is definitely outside my competence. However, it seems to me that there is a point beyond which issues of protocol and politics become so detrimental that we need to talk about new approaches.

It doesn't serve anybody that I respect or any government, such as the government of Greece, which I respect, well to impede the stability of Macedonia and to impede the delivery of relief supplies to people who are already there, to in effect facilitate the spread of this horrible conflict to a broader region.

It is beyond my competence to talk about recognition and the role that it can play. Let me say this. We pay our officials and the people of Greece pay their officials to work these kinds of things out. It seems to me that we have gotten ourselves in a situation where the people who are truly in the middle are the small people who have already been victimized by this holocaust that is occurring inside Bosnia and elsewhere in Yugoslavia, and somehow the politicians have to come together and work this out. I don't know how to do it. It is beyond me.

But if the war spreads in that direction, this stand-off that we have gone through for months and months isn't going to have served anybody very well.

Co-Chairman DECONCINI. Thank you, Mr. Winter.

Representative Hoyer.

Chairman HOYER. Thank you very much. I want to echo the comments of other members. I think this has been an excellent panel.



I would point out that this will be a series of hearings in the short term, because we believe there is only a short term, at least in terms of the humanitarian relief and the stopping of the violence and the loss of life that is ongoing.

Mr. Winter, you mentioned that you had been involved in a number of civil wars. And while I understand that all of you are not experts in a broad field, you are experts in dealing with these situations where human life is placed at risk.

This is, of course, only in one sense a civil war. These are nations recognized by other nations and by international organizations, including the United Nations, that are being transgressed in violation of international law. To that extent it is not a civil war and we undermine the rights of the Bosnians and the Croats to perceive it as such.

Unfortunately, Macedonia is not—we have not moved as properly, I think, in the case of Macedonia.

Kosovo is more difficult, perhaps. But as one who has visited Kosovo, we are going to have to move in that area as well in terms of addressing what exists there.

In any event, one of the things that this administration will be confronting is sort of the feeling that moving there will cost us more and result in less. You were a little more charitable, Mr. Winter, to the United States than you were to our European friends when you referred to them as morally spineless. I thought, frankly, we need not wait for history for that pretty stern judgment.

You all have indicated the critical nature of the situation on the ground now, not at some time in the future but now.

As it relates to some of the other conflicts with which your organizations may be dealing in the world, do you believe, as the administration has indicated in terms of the priority they place on it, that this conflict currently cries out most for action?

Because, of course, one of the things that we argue is, if you do for A then what do you do with B, and then what do you do with C, and then what do you do with D, and then what ends up is you do nothing for anybody because of the so-called, I suppose, domino effect.

But I would like your analysis on that from each one of you, because each of you is expert in that analysis, looking at problems that human beings are having irrespective of race or nationality, on the ground in various places.

Not necessarily you, Mr. Stover. You may be somewhat different in that regard.

I am interested in your observations because we are going to have to make it very clear to our citizens, the administration, to the members of Congress, that this is a critical situation that cries out for action now.

Ms. O'NEILL. Congressman Hoyer, I concur. And as I said in my testimony, we need to militarily secure the humanitarian relief convoys now and save hundreds of thousands of lives now in Bosnia.

But I hesitate to indicate that countries in Africa are less important. I had the opportunity to testify in September in support of militarily securing the humanitarian relief convoys in Somalia. I

was glad that some eight weeks later the administration came to that same decision.

I feel that there must be ways in this new world in which we find ourselves to enter into a situation with a limited goal in mind, without necessarily feeling that we have to commit 500,000 troops and billions of dollars to it.

And in Bosnia we haven't done anything, as all of this panel has agreed, to try to really get relief through. Making serious attempts to get relief through to former Yugoslavia and providing some safe havens should not mean that we have to push other humanitarian concerns off the chart.

Chairman HOYER. I appreciate that answer. I hope my question did not imply that I thought that that was the inevitable result.

Mr. KUNDER. I would argue that if there was ever an area in which the application of formulas is extraordinarily difficult, it is in this area, that each of these circumstances with large scale loss of life—in southern Sudan, thousands of people are probably dying this week in southern Sudan, Liberia, Angola, where the fighting has broken out again after the elections.

I would argue that each case has to be judged on its own merits, that among the criteria we should look at are the level of human suffering, the ability to have an effective response, the ability of relief agencies to do their jobs on the ground, and a critical factor, the need to move forward on the humanitarian and political fronts simultaneously.

Our troops in Somalia have done an absolutely magnificent job in their peacemaking role. The convoys are moving now. The death rates are dropping. And yet, we all recognize that the transition to the U.N. follow-on activity is going to be difficult. And without a long-term political reconciliation in the country, we face the possibility that the investment will have saved lives but not solved the problem in the long run.

So I would argue that there is virtually no way to do it on a formula basis. But if the question is the threshold, the level of human suffering, I consider this, as I said, the worst humanitarian crisis in Europe since World War II and certainly one of the worst in the world. I think it, by any standard, rates international intervention.

Mr. WINTER. I would say I agree with Mr. Kunder's package fully. If I had to pick them, Bosnia and Somalia, Sudan and Liberia, the four worst in the world.

Mr. STOVER. I would just add, I think there is a factor which is, when you look at Bosnia, how many times are convoys being attacked? And when you look at other situations, what is the possibility of getting that relief in?

These attacks on convoys have to be understood as war crimes. That is the important thing. It is not just rape, torture and extrajudicial executions. It is the fact that food is being denied to people. And it is in the conventions, the Geneva Conventions, that prohibit starvation, which can come through disease and—starvation, disease and exposure. So that is one of the crucial factors.

Chairman HOYER. Mr. Stover, thank you. And I want to thank all four of you for that answer, which I am going to work up and we are going to get to our members. I thought all of you answered that question very well.

Mr. Stover, one question I wanted to ask you, which is unrelated to the broader picture, and perhaps is the lawyer in me coming out.

As you pursue the forensic part of your endeavors to determine how things have happened and to reconstruct them, and to try to secure evidence for some subsequent tribunal to consider, are you getting evidence from victims that is, in effect, eyewitness testimony? I am not asking you to identify anybody or even groups. But are you getting evidence which we could represent to the conveners of a tribunal, presumably the United Nations, that would lead to prosecution of individuals?

Clearly, with some of the big names, the problem you have is relating perpetration and the culpability. But are we getting people who say, I knew X in my neighbor town and he raped a neighbor? Are we getting that kind of evidence?

I realize this is not specifically your task. But as you do the forensic work, I am wondering if you get some tangential evidence.

Mr. STOVER. Well, I think it is important for the U.N. and for human rights organizations who are working, who go there to collect evidence, that it should be systematic. One should always be thinking in the future there may be a trial and you need to have evidence that is admissible.

There are three types of evidence. There is testimonial evidence, which can come from witnesses. There is documentary evidence, which could be orders. It could be radio broadcasts. It could be videotape. We have videotape. And thirdly, you have physical evidence, and that is the actual bodies that can be identified, and so on. And we are collecting all three areas.

There are named perpetrators. The Vukovar grave, those names are known. There is evidence. Testimony statements have been taken.

In the area, for example, of rape, it is going to be important—and I know this may sound somewhat clinical, in a sense. But when interviews are taken, we have a four member female team of doctors who just returned. They were using questionnaires, standardized questionnaires, in order to ask these women if they can remember the conversations that were going on, the names of people, where it took place, what uniforms they were wearing.

This sort of detail is important because it may have to be admissible in a trial if you are going to have individual criminality.

There also—and I think this is important and was stated somewhat earlier. These women who are coming forward, it is very difficult for them to relate a lot of what has happened because of their ethnic background. There must be a willingness, if we are going to collect this evidence, to take it to legal proceedings.

And there is also—the team that we have just had in is also using a questionnaire to try and assess what is the psychiatric sequelae, what are the problems they are suffering, so that they then could meet with relief organizations to help develop programs to help these women cope.

So I think what we need to see from the War Crimes Commission in the future is some standardized information collecting procedures.

Chairman HOYER. Thank you.

Mr. KUNDER. Could I just add to that, if I may, Mr. Chairman?

Co-Chairman DECONCINI. Excuse me, Mr. Smith. Let me just intervene. I did want to ask Ms. O'Neill just one question. And maybe you could supply this to us, if it takes very long.

I understand you have some ideas about providing counseling and rehabilitation to rape victims. If you could share that with us just in a quick answer, and then any details I would sure like to have also particularly for the record.

Ms. O'NEILL. We are very strongly supportive of providing services where those women can be reached. We recognize that they cannot, after going through the trauma that they have suffered as rape victims or as people who have watched their families be butchered, just go on with their lives and raise their children and provide the nurturing that those children need.

And so we have developed proposals to support trauma hostels for women who are victims of rape and violence, and for other women who are particularly needy of some support. For instance, women who are giving birth and will have to go back with their newborn babies and lay on a mattress in a room with 150 other people need temporary quarters.

Co-Chairman DECONCINI. And where would those be located?

Ms. O'NEILL. Well, clearly they can be set up in parts of Croatia, with the cooperation of the Croatian government and some adequate financing.

But again, if we have some safe havens and some areas within Bosnia that we can secure, we can reach those people within Bosnia as well.

Co-Chairman DECONCINI. Thank you.

Ms. O'NEILL. Thank you for asking, Senator.

Mr. KUNDER. Mr. Chairman, if I could just for a second. We have used foreign disaster assistance funds appropriated by the Congress in the past for this kind of counseling for traumatized war victims, children, rape victims, and so forth.

We are in active discussion with several prominent U.S. private voluntary organizations who have approached us about such assistance, and we are inclined to look very favorably on it.

Co-Chairman DECONCINI. Have you had success or do you have any reports or records that demonstrate how many you have handled and what has happened?

Mr. KUNDER. Yes, sir. In fact, many of the reports are testimonies to the resilience of the human spirit.

Co-Chairman DECONCINI. Thank you. Representative Smith.

Mr. SMITH. Ms. O'Neill, earlier you described how this ethnic cleansing is effectuated. If you are here next week, this same atrocity will occur.

Should various organizations committed to this, including Mr. Stover's, identify potential whistle-blowers, those defectors from the Serbian militia or army? We know there are some, who might be helpful in turning over state's evidence to implicate the higher ups—this is a policy, it is not just happening sporadically but is coming down the chain of command. We must ensure that the main perpetrators, not just the rapists but those who are part of that chain of command, will likewise be brought to justice.

Ms. O'NEILL. That is an excellent point. John Burns, in his stunning series of articles from Sarajevo, has interviewed a Serbian soldier who described support for rapes he committed from his superiors. It definitely should be part and parcel of the Human Rights Commission's activity to find out everything they can about the chain of command. That is a really important point.

Mr. SMITH. Thank you.

Mr. STOVER. Agreed. I think it is also—one has to look at this, when we talk about war crimes, we are not talking about sporadic events. We are talking about systematic events that have taken place over time. And when you look at the law, it is very clear. It is not just the individual perpetrators. It is also those who ordered or failed to control.

And I don't know exactly what the War Crimes Commission has in terms of names and so on, but I know that that is a top priority.

Mr. SMITH. Thank you.

Co-Chairman DECONCINI. Representative McCloskey.

Mr. MCCLOSKEY. Thank you, Senator. I might say that I find it very difficult to be a voice in the Congress, however many of us there are, recommending a policy that likely would result in the United States and the European Community being at war. And given even what I think is a likely necessary recommendation, obviously there is going to be tragedy and evil, if you will, coming out of that recommendation. But I think things are truly at a limit as far as basic human justice and the needs of humanity, which you people have spoken to better than me.

Perhaps to Mr. Winter, and anyone else who wants to try it, what would you say, Mr. Winter, to the effect of arming the Bosnians and the Croats in Bosnia and doing some of these selective air strikes, say a point to Mr. Miletic for openers, the bridges—they don't have to have anybody on them at the time—over the Drina and the Danube at Belgrade? Is this the way to go?

Brits, for example, talk about their U.N. forces on the ground. And I might say I am in awe of all the workers who are there on a day-to-day basis around the clock, with the physical and psychological stress and real danger they are undergoing.

Could you comment on what I am talking about here, Mr. Winter?

Mr. WINTER. Within limits. I rapidly get beyond what I can deal with effectively.

What is happening is a crime. It takes policing. It takes confronting the crime and confronting the criminal. That may involve military action.

It seems to me that in this case what is needed is not a mass infusion of men and material on the ground, but at least to start with that very clear, forceful, and if necessary, harsh and brutal signal that this is step one and if behavior doesn't change, there is more to follow. And that, it seems to me, takes the wisdom of military people far beyond my capacity. I don't know how, I don't know where. But the signal has to be unmistakable that you have gone so far beyond what we can tolerate.

And unless that indignation comes through so that there is almost the sense of retribution that comes through, the morality of

the world being outraged comes through, then it seems to me any step that doesn't do that is not enough.

Ms. O'NEILL. And I would agree with Roger Winter, that it should be a strong U.N. action.

I have some personal concern that by arming the Bosnian Muslims, at this point—that we will just perpetuate the tragedy and the suffering and the loss of lives among the women and children who live in that country. We haven't yet tried the route that Mr. Winter has just described, indicates we are serious as an international community.

I am concerned that the other choice is to just arm the Bosnians and say, well, let them all fight and get the international community off the hook. And at this moment—I think Senator DeConcini may disagree with me—but I feel that we have not, as an international community shown we are serious at all with enforcing no-fly, getting relief in, and securing relief routes.

Co-Chairman DECONCINI. Quite frankly, I agree with that. It has been something that Congressman Hoyer and I and the Commission have tried our best to get more emphasis on. I am amazed that the outrage isn't greater within our own country, not just that the administration has some second thoughts or some ambivalence or what have you. But the cautiousness within the Congress surprised me. Some of the greatest proponents of force in the Persian Gulf now are restrained. And I don't know how else to generate outrage except through the awful exposure of what is coming out here. It just amazes me that it was relatively easy to mobilize in this country the use of massive forces in the Persian Gulf.

I am not suggesting that we have to do that now, but to be prepared to take a military strike to enforce the no-fly zone and mean it. Or we might as well pack up.

Chairman HOYER. Mr. Chairman, if I may.

Ms. O'Neill, I agree with you. But it seems to me that Mr. Winter sort of said we have the three options and we are not letting them exercise any of those options.

One option is defending yourself. I mean, I need your help and if you are not going to help me, okay, but don't stop me from helping myself.

I agree with you, that is not in arming camps, as we do, particularly the Western world does, nine of the ten largest arms suppliers are CSCE signatory states. Only China is a large enough arms supplier to be in the top 10 that is not a CSCE signatory.

I introduced an amendment to Dante Fascell's bill about two years ago seeking to get CSCE to look more closely at arms proliferation.

But it seems to me you cannot place the Bosnians in an absolute no win situation, that we will stop you from defending themselves because of our inability, spineless or otherwise, to come to their aid, that they will not be able to help themselves, and not only that, they can't get out of harm's way.

But I think you are right, that escalating the confrontation inevitably means exposing more and more innocents to the risks inherent and that is not good policy. I agree.

Co-Chairman DECONCINI. I want to thank the witnesses for their very, very insightful and very profound statements here. Some of

them—Mr. Stover, your explanation of the slides and the details, and Mr. Winter and Ms. O'Neill, the description of what is happening there—is just repulsive. And we want to thank you very much, Mr. Kunder, for your testimony today.

The Commission will stand in recess, subject to the call of the Chair.

[Whereupon, at 4:29 p.m., the Commission was adjourned, subject to the call of the Chair.]





## APPENDIX

## REMARKS BY SENATOR DENNIS DeCONCINI

Co-Chairman

Commission on Security and Cooperation in Europe

*Hearing on War Crimes and Related Issues in the Former Yugoslavia**Monday, 25 January 1993*

As Co-Chairman of the Helsinki Commission and one who has followed developments in the former Yugoslavia closely, I thank Chairman Hoyer for convening this hearing devoted to the human dimension of the war in Bosnia-Herzegovina. I am grateful to the expert witnesses who will address various aspects of this human tragedy based on their personal observations and experiences.

I travelled to Macedonia and Croatia recently and met with refugees from Bosnia-Herzegovina, including recently released detainees. Their stories document systematic and premeditated war crimes perpetrated against innocent civilians, including children. Listen to the personal accounts of men and women who have been victimized during the course of the war there and you quickly recognize the haunting patterns of genocide.

We have heard and continue to hear the reports of willful killings, rape, forced impregnation, "ethnic cleansing", torture and other heinous crimes -- war crimes and crimes against humanity.

The bold cries "never again" made in the past have today muted a policy of appeasement which has become grotesque in its hypocrisy. Nobel laureate Elie Wiesel, himself a camp survivor, has said "Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented." He continued "Wherever men or women are persecuted because of their race, religion, or political views, that place must -- at the moment -- become the center of the universe."

Our failure to act upon our words and commitments equals the type of neutrality which, Wiesel reminds us, helps the oppressors. For our statements betray how much we do know. We cannot claim ignorance. We cannot take refuge behind pleas of ignorance this time.

The world community has looked for every excuse not to act decisively. It has engaged in an endless series of talks which we all pray will bring peace but which we know in our hearts are only helping the aggressor unless and until we back our negotiating rhetoric up with force instead of more meaningless words.

On Thursday Chairman Hoyer and I introduced resolutions calling for decisive action by the United States to address the urgent humanitarian and security concerns in Bosnia-Herzegovina. We, for our part, will work to ensure that these concerns are not ignored, not the least of which is to ensure that those who are guilty of war crimes and crimes against humanity are held accountable by an international criminal tribunal.

Thank you. Mr. Chairman

## REMARKS BY REPRESENTATIVE STENY H. HOYER

Co-Chairman

Commission on Security and Cooperation in Europe

*Hearing on War Crimes and Related Issues in the Former Yugoslavia**Monday, 25 January 1993*

As many of you know, members of the Helsinki Commission have been closely following events in Yugoslavia for a long time: we have had numerous congressional and staff delegations to the region over the past several years, we have issued extensive reports on developments there, and we periodically communicate our concerns and views to the administration. Most recently, our Chairman, Senator DeConcini, along with Representative Frank McCloskey, visited Croatia and Macedonia in November, and Commission staff observed the Serbian elections in December. Representatives Chris Smith and Frank Wolf have visited these republics as well.

I especially want to take this opportunity to commend our Chairman, who has been a leading voice in the U.S. Congress on the issues surrounding the on-going human rights violations in the former Yugoslavia. He has been relentless in pursuing possible avenues of action and in committing his time and energy in visiting the region.

The conflict in Bosnia-Herzegovina is a particularly brutal one because it is largely being waged against non-combatants. Each day, we see vivid images of civilians dodging sniper fire in order to cut down trees to heat their homes; we witness the murders of elderly people searching for water to drink and bread to eat; and we hear testimony regarding the mass rape of women and children, a practice intended to physically and mentally scar and humiliate a society. All these acts are part of the systemic policy of "ethnic cleansing" -- a policy based on racism and designed to commit genocide against a people. If we fail to come to terms with these issues in Bosnia-Herzegovina today, we will have to deal with them tomorrow in Kosovo or other regions within the CSCE community.

To address the escalating atrocities in this region, the growing threat of regional instability, and long-term implications of American inaction, I -- along with the ranking Commission House-side Minority Member, Chris Smith -- have introduced a resolution, a companion to the Senate resolution introduced by Senators DeConcini and D'Amato, which addresses the ongoing brutality in Bosnia. It is a call to action based, in large part, upon elements of resolutions already adopted by the United Nations Security Council -- resolutions which, regrettably, have been neither fully implemented nor enforced.

Among other things, this resolution urges our government to take a leading role in seeking the immediate lifting of the international arms embargo as it applies to Bosnia-Herzegovina in keeping with that country's right to self-defense as provided for under article 51 of the Charter of the United Nations; to seek the enforcement of the existing U.N. no-fly zone through the use of a multinational coalition; to ensure that irregular forces in Bosnia-

Herzegovina either withdraw, or be subject to the authority of the government of Bosnia-Herzegovina, or be disbanded and disarmed with their weapons placed under effective international monitoring.

In addition, this resolution calls upon the United States to seek an increase in the number of refugees from Bosnia-Herzegovina permitted to enter the U.S. and to urge our European allies to do the same, and to work to ensure that those responsible for war crimes in this conflict are held accountable by an international criminal tribunal.

I believe that we can not remain on the sidelines while brutality of such unspeakable proportions ravages a people in our own backyard. We speak of forming the political and institutional framework for a new world order – yet the events in Bosnia-Herzegovina suggest that the worst of the old order has been replaced by demagogues and megalomaniacs liberated by the end of the cold war. If we permit these people to prevail, the new era will be shaped by the voices of violence and vengeance and not by the principles of democracy and accountability.

This hearing constitutes part of our on-going effort to receive up-to-the-minute information about an extremely dynamic situation, and to assist our efforts to try to formulate appropriate responses to those events by the U.S. Government. We are grateful to have with us today an impressive panel of experts who will help us with that process. We would also commend the non-governmental community in particular, who have worked tirelessly and often at great personal risk to ensure that these critical issues receive the attention they deserve.

ALFONSE M. D'AMATO  
NEW YORK

## United States Senate

WASHINGTON, DC 20510-3202

### Statement of Senator Alfonse M. D'Amato Helsinki Commission Hearing on the Former Yugoslavia January 25, 1993

I would like to thank Senator DeConcini and Representative Hoyer for convening this important hearing on War Crimes in the former Yugoslavia. It is vital that this issue, as well as the humanitarian aspect of the conflict be examined.

Not since the Holocaust has the world seen the savagery now taking place in the Balkans. Concentration Camps, mass rapes, forcible expulsions, and deliberate attacks on non-combatants as well as the diversion of humanitarian aid shipments, have been the Serbian program -- the program of Europe's "new Hitler", Slobodan Milosevic. Milosevic and his Bosnian Serb gauleiters have made a mockery of international law and all norms of civility. As former Secretary of State Lawrence Eagleburger has declared, these men should be brought before an international tribunal and tried for crimes against humanity.

Since April 1992, Serbia has waged a war of annihilation against Bosnia. Before that, it attacked Croatia. Now, menacingly it threatens Kosova.

Worse yet, the current peace talks in Geneva have only served to buy time for the Serbs, to consolidate their position, and ultimately to legalize Serbia's conquests. These negotiations are no more than a replay of Munich, with Cyrus Vance cast in the role of Neville Chamberlain. Just as

Czechoslovakia was sold down the drain, Bosnia will also be sacrificed to appease the unquenchable appetite of the bloody aggressor, Milosevic. History has proven that a dictator's appetite is never fulfilled. Force, not appeasement, will stop Milosevic.

The Serbs must not be allowed to take their killing machine on the road south into Kosova. Serbia threateningly hovers over Kosova, to make good on its claim of absolute sovereignty over the land -- a land that is not theirs. Their acts of harassment, arbitrary arrest, and job dismissals are unjustified acts of occupation. As bad as they are, however, ethnic cleansing in Kosova would be totally impermissible and could lead to an expanded war, perhaps dragging Albania, Greece, Turkey, and Bulgaria into the conflict.

Serbian actions have been abominable. While on a Congressional Delegation tour of Yugoslavia, I and a number of my colleagues witnessed just how brutal the Serbs can be. From our balcony, we watched as the Serbian police gassed and beat several Albanians that had gathered for a protest in the public square in Pristina, Kosova.

I have also talked at length with a young constituent of mine after I worked to gain his freedom from four long months of Serbian detention. The frightening stories that he told only reinforce the stories of the Serbian forces' absolute disregard

reinforce the stories of the Serbian forces' absolute disregard for human life.

This hearing will shed light on the atrocities the Serbians have committed against its neighbors and bring a greater public awareness to the extent of Serbia's crimes against humanity.

Thank you Mr. Chairman.

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

STATEMENT OF THE

HONORABLE GEORGE MILLER AND THE HONORABLE NANCY PELOSI

BEFORE THE

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Monday, January 25, 1993

Chairman Hoyer and Chairman DeConcini, Members of the Commission, thank you for holding this important hearing on war crimes and thank you for the opportunity to present testimony today on mass rape in Bosnia and on H. Res 32 now before the House of Representatives.

Credible reports show that rape has been committed by all sides in the conflict in the former Republic of Yugoslavia. Virtually all reports, however, indicate that rape has been used as a systematic, deliberate weapon of war against women, primarily Muslim women, by the Bosnian Serb forces. Due to the nature of the crime, precise numbers of victims is difficult to collect.

The purpose of this testimony and of the resolution that we have introduced with over 90 cosponsors in the House, is to clearly state that rape is an unacceptable and illegal means of warfare. It is not an incidental or concomitant element of war but rather rape as a means of warfare is a war crime and a crime against humanity. The United States should do everything in its power to see that those responsible for committing this crime are prosecuted in an international war crimes tribunal established by the United Nations for this conflict.

Our testimony and our resolution are in no way intended to diminish the significance of the many other horrific atrocities that are taking place during this war. Nor do we seek for any political purposes to identify the Bosnian Serbs as the most egregious perpetrators of mass rape. The information that has come from investigators, however, indicates that they are the primary violators.

Under the Geneva Conventions, women and children are afforded special protections. In particular, article 27 of the 3rd Geneva Convention of 1949 protects women against "any attack on their honor, in particular against rape, enforced prostitution, or any form of indecent assault..." Under the

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Nuremberg Charter, "crimes against humanity" include "inhumane acts."

Surely rape is an inhumane act. Surely the detention of women and girls of all ages for the express purpose of repeatedly raping them and forcing them to become pregnant with their enemy's children is inhumane.

Rape, however, was not one of the crimes prosecuted at Nuremberg. With limited exceptions, the body of humanitarian law and the field of human rights has inadequately addressed the issue of rape. We expect that 20th Century civilization, in its attitudes and in its administration of law, has advanced enough in the last 50 years that rape will now have its proper place in international war crimes trials and among international governing bodies.

The resolution we have introduced, H.Res 32, and which Sen. Lautenberg is introducing in the Senate, is intended to heighten the sensitivities of all people about the real damage caused by rape. It is intended to give some measure of hope to a hopeless people. It is also intended to send a clear message to soldiers and their superiors around the world that rape is a violation for which they will be punished.

It is also intended to draw to the attention of those providing humanitarian assistance to victims of this conflict that rape victims need special care. The United States and other countries should allocate funds to train relief workers in the medical and psychological symptoms of rape and in the medical and psychological treatment of rape victims. At this very moment there are women and girls pregnant or delivering unwanted babies. The trauma and devastation from the violence and the resulting pregnancy cannot be imagined.

Though rape is listed in the Geneva Conventions, it is not clearly identified by world governing bodies as a violent, deliberate crime. If nothing else, the war in Bosnia should help to clearly identify rape in war as a deliberate and devastating violent weapon. War colleges throughout the world should teach the illegality of rape as a means of warfare. The atrocities in Bosnia have ruined some peoples lives forever. We must take this as an opportunity to prevent the use of rape in future wars.

Thank you again for including our testimony in this very important hearing.



**STATEMENT OF REPRESENTATIVE EDWARD J. MARKEY**

Commission on Security and Cooperation in Europe  
*Hearing on War Crimes and Related Issues in the Former Yugoslavia*  
*Monday, January 25, 1993*

The world community has been deeply disturbed by the tremendous suffering and destruction occurring in the former Yugoslavia. There have been widespread reports of massive human rights abuses in violation of the most basic standards of humane conduct and international law, including the Helsinki Final Act of the Conference on Security and Cooperation in Europe.

Most upsetting are the numerous reports that a large part of these offenses are being committed against non-combatants, especially women. Reports of heinous violations against women, including detention for the purpose of rape, appear in many instances to have been carried out in an organized or systematic manner. Because of the shame and social stigma involved, it is very difficult to assess the full extent of the sexual abuses to which women have been subjected. Worse still, there is little evidence that effective measures have been taken to punish those responsible. Such a situation suggests that higher ranking military officers may actually be condoning this type of behavior.

The United States is fundamentally committed to the principle of national self-determination. Unfortunately, in the former Yugoslavia the ideals of nationalism have been used as a reason to scorn fundamental civil and human rights. This has especially been illustrated by the practice of "ethnic cleansing."

Human suffering in the former Yugoslavia has reached unconscionable levels. Acts of diplomacy, while essential, have proved insufficient. We must continue to insist in the strongest of terms that all parties to the conflict reach an acceptable and peaceful settlement. And it is time for the United States to make these negotiations more legitimate by working to enforce the United Nations resolutions it has already endorsed.

*Edward J. Markey*

Statement of  
James R. Kunder  
Director, Office of U.S. Foreign Disaster Assistance  
Bureau for Food and Humanitarian Assistance  
Agency for International Development  
before the  
Commission on Security and Cooperation in Europe  
January 25, 1993

Mr. Chairman, I am pleased to testify today before this Commission regarding the state of humanitarian relief efforts in the former Yugoslavia, especially Bosnia-Herzegovina. Continued hostilities in Bosnia-Herzegovina have left an estimated 1.4 million people displaced. The humanitarian situation remains critical throughout Bosnia-Herzegovina as the combination of continued fighting, Serb strangleholds on regional towns, and deepening winter increases deaths and suffering.

Both Secretary of State Warren Christopher and Deputy Secretary-designate Clifton Wharton, in their recent confirmation hearings before the Senate Foreign Relations Committee, spoke about the situation in Bosnia-Herzegovina which has "horrified the world." Secretary Christopher correctly pointed out that there are "very few angels in that endeavor; no one of the parties is blameless. But the Serbian activity seems to be the most outrageous, and calls for some early attention." Dr. Wharton stated that the situation in Bosnia is "one which is very high, if not the highest on our agenda at the present time."

The Agency for International Development (A.I.D.), through the Office of Foreign Disaster Assistance (OFDA), is charged with coordinating the U.S. Government's response to disasters abroad and for coordinating the activities of U.S. private and voluntary organizations and the international community to ensure that efforts are complementary and not duplicative. I have provided as an attachment to my written statement a copy of the OFDA Situation Report which describes in some detail the current situation in former Yugoslavia, U.S. Government emergency assistance for fiscal year 1991 to date, and assistance provided by U.S. voluntary agencies and the international community.

As the Director of OFDA, I traveled to Bosnia-Herzegovina last November and had the opportunity to assess firsthand the human needs there and the operation of relief efforts. We have had staff on the ground in former Yugoslavia continuously since early last year and I will summarize for the Commission the results of our observations and activities.

The first step in providing humanitarian assistance after a disaster is to carry out an assessment at the scene, which will give an indication of the extent of damage, the number of people

affected, and the kinds of needs that require an immediate or longer-term response. The next step is the procurement, shipment, and delivery of relief supplies.

In most natural disasters occurring in countries that request outside assistance, problems of access are limited to the secondary effects of the disaster--for example, roads may be blocked due to landslides after an earthquake, or airports may be flooded or navigational aids destroyed after a cyclone. While such problems of access may cause critical delays in the delivery of relief supplies, they can usually be overcome in a few days.

Such is not the case, however, in many of the complex international disasters involving civil strife to which OFDA has been responding in recent years. Lack of access because of fighting, lawlessness, and the general breakdown of the social structure has become the major constraint to the delivery of relief supplies. And the problems of access can persist over many months, as we have seen in Somalia and Bosnia-Herzegovina.

Problems with security prevent not only the delivery of supplies but also the conduct of reliable assessments. The difficulties of delivering relief supplies in a war zone and the problems of targeting for relief those most vulnerable are reflected in the recent press reports on the elderly persons in a nursing home in Sarajevo who died of hypothermia. It is important that the international community reassess its efforts in former Yugoslavia to be sure that the most vulnerable members are the focus of its efforts. For this to happen we need access; access to assess the needs and access to deliver supplies.

In fact, the situation in Bosnia-Herzegovina may be best characterized as a crisis of access. This is not a situation where there are too few relief workers on the ground, too few tents or food supplies. People are dying in the hills of Bosnia now for one dramatically simple reason: men with guns are denying access to these victims.

In the former Yugoslavia, or more specifically in Bosnia-Herzegovina where fighting among ethnic groups has created the worst humanitarian crisis in Europe since the second world war, security concerns have seriously hampered the response. Roads are routinely blocked and convoys shelled by combatants. Logistical problems have also hindered the relief effort, with roads, bridges, and rail lines needing repair to make some routes passable and winter snows blocking roads in the higher altitudes.

Despite the overwhelming problems of access in Bosnia-Herzegovina, the international community has made a concerted effort to reach the victims of this cruel war--those who have been displaced from their homes and those who remain in grave need in the capital city of Sarajevo and other besieged cities and towns.

The Office of the United Nations High Commissioner for Refugees (UNHCR) was designated the lead agency for this crisis, and the International Committee of the Red Cross (ICRC), as a neutral intermediary, has been acting in its traditional role of providing protection and medical assistance, as well as distributing family parcels. In recent weeks, the ICRC has been permitted to visit prisons and has secured the release of over 5,500 detainees.

The International Rescue Committee (IRC), a New York based non-governmental organization partially funded by grants from A.I.D. and the State Department, has also played a coordinating role in the relief efforts especially in the area of winterization. IRC, for example, is currently working to establish an inter-agency effort to transport 1,000 metric tons of coal per week into Sarajevo from Zenica. Each step of the delivery process must be negotiated with the Bosnian Serbs who control access to Sarajevo. Initial efforts to deliver kerosene along with the coal were rejected by the Serbs. To prove to the men with guns that no weapons are hidden in the fuel, coal must be pulverized and bagged before delivery will be allowed into Sarajevo, further delaying and complicating the relief effort.

A.I.D. and other agencies of the U.S. Government have responded generously to assist the victims of war in Bosnia-Herzegovina, providing over \$162 million of assistance through grants to multilateral agencies, such as UNHCR, ICRC, the U.N. Children's Fund, and World Health Organization, and through U.S. private voluntary agencies. The State Department's Bureau for Refugee Programs has provided over \$60 million in monetary assistance. Public Law 480 Title II food assistance of almost \$30 million has also been committed. U.S. planes continue to lead the air bridge into Sarajevo delivering life-saving supplies of food, blankets, and winterization materials. A.I.D. has allocated over \$50 million for this emergency to date to carry out this relief program. OFDA has put in place a seven-person Disaster Assistance Response Team to better manage our relief efforts.

Congress has provided strong support and direction in this effort. In October, the Congress earmarked \$35 million from the Migration and Refugee Assistance Account to assist Bosnian refugees. An additional \$20 million of Foreign Assistance Act dollars was earmarked for private voluntary organizations for fuel, construction materials, heating units and food for the people of Bosnia-Herzegovina, Croatia and Kosovo.

With the onset of harsh winter weather in the Balkans, the provision of winterization supplies became a top priority, because Bosnian Serbs had cut off normal heating sources in Sarajevo and larger cities. Much of the U.S. Government's assistance has focused on winterization. For example, A.I.D. contributed plastic

sheeting to repair roofs, walls, and windows and sent 10,000 stoves and fuel containers. A.I.D. resources are also being used to manufacture winterization materials such as plastic for windows and portable heaters and stoves right in Bosnia-Herzegovina. The U.S. Department of Defense has provided excess property snow-clearing equipment and other vehicles and ambulances, as well as winter clothing and almost 9 million Meals Ready to Eat.

OFDA has targeted its efforts on providing relief to the most vulnerable people inside of Bosnia-Herzegovina, especially those in urban areas who have little capacity to grow their own food, provide their own heat or, because of shelling, are unable to leave their residences without risking their lives. Our efforts have been centered on winterization of existing structures which were the victims of shelling or shooting by providing transparent plastic to cover windows, heavy duty plastic to cover small holes in roofs and walls, heaters, stoves and fuel. We are also providing funds to purchase supplemental foods as a source of high energy protein, especially for those who are unable to cook or who have small children and, because of the conflict, lack many basic nutrients in their diets.

In addition to the efforts of the international community to provide assistance, many indigenous relief organizations such as Merhamet, Caritas, Dobrotvor, and the Red Cross have provided much life-saving assistance and have done so with little fanfare. These organizations are reaching isolated places in eastern Bosnia-Herzegovina where U.N. convoys have been few and far between. Our field representatives are working with many of these organizations to improve their distribution systems and capacities to deliver relief commodities.

Recent news reports on humanitarian relief in Bosnia-Herzegovina have focused on reports of A.I.D.'s contract field representatives, and I would like to summarize the results of their findings.

Tom Brennan spent four months--from July 23 to November 23--in the former Yugoslavia, traveling on seven different occasions to various areas inside of Bosnia-Herzegovina. Mr. Brennan's final report to OFDA included two main recommendations; that the U.N. begin immediately to use the railroad to transport relief supplies from Rascani to Sarajevo and onward to Zenica; and that the U.N. assume responsibility for the rehabilitation, operation, and maintenance of utilities--electricity, natural gas, and water--in Sarajevo.

In December, Bill Stuebner traveled into eastern Bosnia-Herzegovina to attempt to assess the situation first-hand in one of the Muslim-held "pockets" of resistance behind Bosnian Serb lines.

Mr. Stuebner, on the way to Gorazde, visited displaced persons

centers in Jablanica and Tarcin, finding overcrowded conditions and poor sanitation, but sufficient food to enable the people to survive the winter. A hospital in Suhadol was treating mainly civilian casualties and lacked sufficient surgical equipment and medicines.

Mr. Stuebner joined a convoy, by foot and horse, heading for Gorazde and spent 13 hours climbing over treacherous terrain under cover of darkness until the convoy reached its destination. The people in the convoy, ranging in age from 12 to 62, were carrying loads from 35 to 90 pounds in weight. Convoys such as this were making the dangerous trek over the mountains three times a week, providing the bulk of food and other supplies being used in the Gorazde area. Infrequent U.N. convoys supplemented the relief supplies but would not have been sufficient to keep the population alive. The weight records of babies born in the local hospital which Stuebner examined showed a dramatic drop of birth weight since the war began, and the infant death rate had increased significantly because poorly nourished mothers were unable to nurse their babies.

While in Gorazde, Mr. Stuebner learned of a remote enclave called Zepa, with a population of 30,000, which had been completely cut off from relief assistance since the beginning of the war. A U.N. convoy has since reached this town. However, efforts to deliver relief supplies to Zepa were met with delays, tying up relief workers and trucks for days while U.N. officials negotiated with local militiamen to allow access. Meanwhile the people of Zepa continued to suffer. A U.N. convoy was subsequently prevented from reaching Cerska, another isolated enclave in eastern Bosnia-Herzegovina, and the U.N. is now prevented from reaching Sebnenica.

I am sorry Mr. Brennan and Mr. Stuebner were not able to join me here today, since both have very recent impressions from on the ground. However, both have returned to rejoin the DART team to ensure that the maximum amount of relief reaches victims in the former Yugoslavia.

As Secretary Christopher stated during his recent confirmation hearing, "Europe and the world community in general must bring real pressures, economic and military, to bear on the Serbian leadership to halt its savage policy of ethnic cleansing." In the meantime, however, the world cannot sit by and watch the human suffering that is occurring in this war-torn region. Relief organizations such as the ICRC, International Rescue Committee and others have made heroic efforts under very difficult and dangerous conditions to assist the victims of this tragic man-made disaster. Secretary Christopher, later during his confirmation hearing, amended his earlier remarks to note that "There are some angels, the relief organizations, the people trying to accomplish the feeding, the U.N."

The U.S. Government will continue to provide emergency relief to those in need, to support the efforts of the non-governmental organizations and the U.N., and work to develop new techniques to overcome this crisis of access in the former Yugoslavia. If the issue of access is not addressed forcefully and effectively by the international community, there will remain serious shortcomings in our humanitarian relief program and the innocent will continue to suffer and die.

AGENCY FOR INTERNATIONAL DEVELOPMENT  
WASHINGTON, D.C.

OFFICE OF U.S. FOREIGN DISASTER ASSISTANCE  
(OFDA)

SITUATION REPORT NO. 8

4:00 p.m.

January 22, 1993

Note: New information since the last situation report, dated November 23, 1992, is underlined.

FORMER YUGOSLAVIA- CIVIL STRIFE

Date: June 1991 and ongoing

Location: All republics of the former Yugoslav nation are affected, but fighting has been most intense in Croatia and Bosnia-Herzegovina (B-H).

No. Dead: An estimated 10,000 in the six-month conflict (June 1991-January 1992) in Croatia; 17,000 have died in the fighting since March 1992 in B-H (media reports on Dec. 6); Bosnian official sources put the death toll between 150,000-200,000

No. Affected: Over 5 million displaced people, refugees, and people in need within the former Yugoslavia (UNHCR assessment); 1.4 million of the total displaced are in B-H (UNHCR assessment)

Total USG Assistance: \$162,805,279

Background

Since June 1991, warfare between the nations of the former state of Yugoslavia has taken a severe toll in lives, displaced large populations, caused psychological trauma for a generation of children, and inflicted enormous damage to property and infrastructure.

Six-months of fighting between Serbs and Croats followed the June 1991 declaration of independence by Slovenia and Croatia. A cease-fire was agreed to in January 1992 and a U.N. peace-keeping force was deployed in April to areas of Croatia still controlled by Serbs.

Inter-ethnic fighting flared anew in the still smoldering Yugoslav war after the republic of Bosnia-Herzegovina (B-H) voted for independence on February 29, 1992. The majority of the republic's population, made up of Muslims (44%) and Croats (17%), voted in favor of independence. Most ethnic Serbs (31% of the Bosnian population) boycotted the independence vote, while Bosnian Serb leaders called for a separate Serbian republic of Bosnia and Herzegovina. Since early April 1992, Bosnian Serb secessionists backed by the Yugoslav military, Serbian paramilitary groups, and by

Serbia have applied force to create such a Bosnian Serb republic and to exterminate or expel all non-Serbs from its territory.

The European Community (EC) recognized the sovereignty of Croatia and Slovenia in December 1991, and of Bosnia-Herzegovina in April 1992. The United States announced recognition of all three republics in early April. Macedonia, a fourth former Yugoslav republic that has also declared its sovereignty, has not yet received widespread international recognition. Serbia and Montenegro, which remain allied, have proclaimed the establishment of a new, truncated Yugoslav state, whose claim to be the continuity of the former Yugoslavia is rejected by the U.S. and has not been generally accepted by U.N. members. The United Nations voted on September 18 to deny Serbia and Montenegro the old Yugoslav seat in the U.N., asking them to reapply as a new nation.

To protest Serbia's aggression against Bosnia-Herzegovina, the United States and EC countries recalled their ambassadors from Belgrade in mid-May. On May 30, the U.N. Security Council voted to impose economic sanctions on the Yugoslav federation of Serbia and Montenegro. The U.N. passed UNSCR 787



on Nov. 16 which authorizes the interdiction and search of ships and barges on the Danube River and Adriatic Sea destined for Serbia and Montenegro.

#### General Situation

Despite numerous cease-fire agreements, fierce fighting has continued in the capital of Sarajevo and other parts of B-H. The stream of displaced people seeking refuge in other republics and other European countries has grown steadily. Civilians still remaining in Sarajevo and other B-H cities and villages have been cut off from normal supply routes to provide desperately needed aid. Persistent reports of massive violations of human rights, including torture, rape, intimidation, and harassment of populations in the process of "ethnic cleansing," and atrocities committed in detention centers have provoked international outrage.

UNHCR, UNICEF, ICRC, and others have managed to truck supplies to accessible areas in B-H; however, the relief effort has been hindered by security concerns and logistics constraints. ICRC is carrying out activities in Bihac, Banja Luka, Mostar, Zenica, Bijeljina, Tuzla, Trebinje and other affected towns and is also providing assistance to 46 hospitals and health centers in B-H. ICRC delegates are visiting detention centers in B-H to investigate conditions and assisting the release of detainees from the camps. As of the end of 1992, ICRC had transferred about 5,540 detainees to safe areas. ICRC and UNHCR have appealed to donors to make offers of temporary protection for ex-detainees. Unfortunately, in spite of these appeals, the ICRC has severely curtailed this operation because of a lack of available temporary homes for detainees and their families in other countries.

To provide needed supplies to Sarajevo and other regions in B-H cut off from normal access, UNHCR is attempting to carry out a comprehensive land convoy system, with regular visits to accessible distribution points. However, widespread fighting and hostile populations along convoy routes often hinder these efforts. The military often appropriates portions of relief supplies. Large Muslim population centers are routinely encircled by Serb irregulars, making it difficult to provide relief. Logistical problems are also hindering the effort: roads, destroyed bridges, and tunnels must be repaired to make some routes passable, and some routes over minor roads at high altitudes are more difficult because of winter weather conditions. Most convoys have originated in Zagreb or Split, in Croatia. However, UNHCR has recently opened a new

warehouse in Metkovic (near the port of Ploce) to provide relief supplies to Central Bosnia. UNHCR has redeployed some of its vehicle fleet to Belgrade and has established a secondary assistance center there, which services refugees within Serbia and has provided some relief to Sarajevo, UNPA, and eastern Bosnia. In late November, U.N. convoys were successful in delivering relief assistance to Srebrenica and Gorazde in Eastern Bosnia. Srebrenica received its first delivery since being cut off by fighting in April 1992. A UNHCR convoy was also sent to Zepa and eventually arrived with 80 metric tons of food and medical supplies on January 17.

Also critical to the delivery of desperately needed relief supplies for the 380,000 or more residents of Sarajevo and suburbs trapped by the fighting was the reopening of the Sarajevo airport, which occurred on June 27, under a U.N.-negotiated agreement. U.N. Protection Forces (UNPROFOR) have been in place to shore up security for U.N.-sponsored flights. Zagreb and Split are the staging points for the U.N. flights. Shelling has continued near the airport and elsewhere in the city, forcing the suspension of the airlifts from time to time, the longest period occurring after an Italian relief aircraft was shot down on Sept. 3. Flights did not resume until Oct. 3. A U.S. C-130 was hit by small arms fire on Dec. 1 suspending UNHCR airlift operations between Dec. 2 and Dec. 21 because of continued fighting in and around Sarajevo and the airport. Between July 3 and January 13, 1993, more than 2,150 sorties have delivered approximately 24,000 MT of relief supplies, including food, MREs, medicine, blankets, and plastic sheeting. A U.S. European Command assessment team has determined that despite these heroic efforts present deliveries by air and land convoys are leaving a major shortfall. The food pipeline for the January-March period has improved significantly with the recent pledge of the EC. The additional installment from the EC of \$14.6 million will permit the World Food Program (WFP) to purchase 19,195 MT of urgently required food. Significant bilateral pledges through NGOs have also been confirmed.

The U.N. Security Council approved UNSCR 781 on Oct. 9 to impose a "no-fly zone" over B-H for all but relief flights. The resolution also called for the placement of observers at airfields to monitor compliance. Bosnian Serbs are reportedly violating the "no-fly" order. The United States, Britain, and France are requesting the U.N. Security Council to reconsider

its position on enforcing the "no-fly zone" resolution. The Serbs have not flown any combat flights recently, but they do continue to transport soldiers, supplies and the wounded by fixed-wing aircraft and helicopters.

The siege continues in Gorazde, Bihac, Maglaj, Tuzla, Srebrenica, Travnik, Zepa, Gradac, and other towns in eastern and northern B-H that are resisting Serbian control. Bosanski Brod was captured on Oct. 6, and Jajce fell to Serb forces on Oct. 30, forcing a further exodus of about 40,000 non-Serbs. Possibly as many as 15,000 displaced persons from Jajce fled to Travnik, and the Red Cross reported that 7,000 people from Jajce had arrived in Tomislavgrad. Relief agencies have provided assistance for the displaced in Travnik. However, the city is coming under attack by Serb irregulars. Serb forces now control 70% of B-H.

Cease-fire violations have also continued in Croatia, with Slavonski Brod, Vinkovci, Gospić, and the Zapanja and Zadar areas under sporadic attack. According to official sources, Croatia supports 700,000 registered refugees and displaced persons. About half of the registered refugees and displaced people are being sheltered by host families. The remainder are living in hotels, camps, rehabilitated buildings or settlement communities. The Croatian government has announced that it will not accept any more refugees from B-H except those who are transiting to other countries.

The need to provide adequate shelter throughout the former Yugoslavia has become a top priority with the onset of winter. "Without help," according to the UNHCR, "many people within the former Yugoslavia will die from starvation or exposure this winter, or will be forced to seek refuge outside the region." The United States has responded to a UNHCR request to provide 1.5 million blankets for use by refugees and displaced persons throughout the region. The blankets were delivered by DOD to Belgrade (400,000), Zagreb (600,000) and Metkovic (500,000) for distribution.

Few homes in Sarajevo have windows or a source of heat. The DOD has provided 125 tons of plastic sheeting since the beginning of the Sarajevo airlift to help winterize the city and surrounding areas. Serb forces have cut off natural gas, which heats Sarajevo. The disruption of public utilities is a serious threat to the survivability of the population during the winter. The highest priorities in Sarajevo are fuel for heating and warmth items such as sleeping bags, blankets, clothes, and stoves. Temperatures have dropped to a

regular fourteen degrees Fahrenheit at night and do not rise above freezing during the day. UNHCR intends to start importing firewood and possibly coal. However, deliveries cannot be guaranteed. OFDA has provided 10,000 kerosene-burning heaters and five-gallon jerry cans for distribution in Bosnia. The shipment of liquid fuel and distribution still remains a problem. Health conditions in Sarajevo are reportedly deteriorating due to the lack of water and sanitation, with outbreaks of typhoid, scurvy, and jaundice reported.

The U.N. has proposed a two-pronged approach to address shelter needs: the rehabilitation and upgrading of existing structures where practicable, and the establishment of refugee camps. Twenty camps are projected for Croatia, with sites identified for another 20 for contingency purposes. Some housing assistance may be forthcoming, as the United Nations Industrial Development Organization (UNIDO) on December 26 approved a \$7.3 million project to construct prefabricated buildings to house refugees in Croatia. The UNHCR shelter projects in B-H include 1) shelter repair kits, 2) construction of pre-fab units, 3) rehabilitation of existing "collective facilities," and 4) winterized tents. Continued fighting is disrupting the implementation of this plan.

UNHCR convened an international meeting on July 29, focusing on humanitarian assistance to the former Yugoslavia. The first meeting of the Follow-up Committee sent an inter-agency team to the former Yugoslavia from Aug. 9 to 16 to assess needs. A new consolidated U.N. appeal, based on the team's findings, was announced at the second meeting of the Follow-up Committee on Sept. 4 in Geneva. The overall needs for the period September 1992 to April 1993 were estimated at over \$1 billion. The U.N. appeal was for \$434,165,800 to cover life-threatening priority needs (food, shelter, medical services) to be addressed by the United Nations system and other humanitarian organizations. A new U.N. appeal has been issued, based on a revised budget of \$642,493,793 through March 1993. The World Food Program (WFP) has taken over from UNHCR the mobilization of food resources. WFP assesses total food requirements for refugees in need of food assistance for the period January-March 1993 at 175,466 MT. Pledges as of December 31, 1992 totaled 149,892 MT. On Aug. 13, the U.N. Security Council authorized the use of any necessary means to guarantee the delivery of relief supplies to civilians. A separate resolution demanded free access for ICRC and others to all camps

in Bosnia and humane treatment for all those detained. The U.N. Human Rights Commission, in an emergency session on Aug. 14, sent a representative to Bosnia to investigate reported atrocities. An international conference on the former Yugoslavia (ICFY) was held in London Aug. 26-28, co-chaired by the United Nations and the European Community. Despite apparent progress in the talks, in the Bosnian Serbs' promise to put heavy arms under international control and to yield some territory, the fighting has continued in B-H. Another outcome of the conference has been an enlarged U.N. peacekeeping force to protect relief convoys and monitor an arms embargo. There are now 22,170 U.N. peacekeepers in the former Yugoslavia.

On December 20, Serbia held its presidential and parliamentary elections. The two candidates running for Serbian President seemed to offer a clear choice between war and peace. President Slobodan Milosevic campaigned on support for ethnic Serbs in Bosnia and Croatia. His challenger, Yugoslav prime minister Milan Panic, promised to bring immediate peace to the region. Milosevic received 55 percent of the vote while Panic received 35 percent according to official returns, although many irregularities occurred in the voting. In parliamentary elections, hard-line Serbian nationalist parties captured roughly 20 percent of the vote.

Tensions and fingerpointing have escalated in Bosnia because of the assassination of Bosnian Deputy Prime Minister Hakija Turajilic, a Muslim, by a Serbian soldier in Sarajevo on January 8. While being escorted from the Sarajevo Airport, by U.N. soldiers in an armed personnel carrier, Turajilic was shot several times at an unauthorized checkpoint on a demilitarized road. Efforts are underway to interrogate all personnel who were at the scene of the assassination. It is not known how the rear doors of the bullet-proof vehicle were opened, thus making Turajilic vulnerable to such an attack. The United Nations commander in Bosnia admitted that his soldiers failed to provide adequate security to Turajilic.

The ICFY conference reconvened on January 2 under the leadership of Cyrus Vance, the U.N. representative, and Lord David Owen of the EC in Geneva, Switzerland. A peace plan calling for the establishment of a decentralized state in B-H was introduced. The nation would be divided into 10 provinces with political power balanced among Serbs, Croats, and Muslims.

Bosnian Serbs would not be permitted to create a sovereign state within B-H. The Vance/Owen proposals are still under negotiation.

**Assistance Provided by the U.S. Government**  
(Note: Please see Situation Report No. 6 (Oct. 9, 1992) for a detailed description of U.S. government assistance during FY 1991 and FY 1992.

#### **FY 1993**

In October 1992, the U.S. Congress earmarked \$35 million from the Migration and Refugee Assistance Account to assist refugees in Croatia, Slovenia, and B-H. An additional \$20 million was made available to PVOs for donations of fuel, construction materials, heating units, and food for the people of B-H, Croatia, and Kosovo. RP is administering the \$35 million, and the \$20 million will be obligated by OFDA.

OFDA commitments to date, in FY 1993, include an airlift of 1,160 rolls of special order plastic sheeting suitable for windows, and additional transport costs for 10,000 heating stoves. In November, OFDA arranged to send a second consultant to assist with operational aspects of the U.S. participation in the humanitarian relief effort. OFDA also sent two experts to assess the feasibility of using excess DOD Bailey bridging on the road/rail route from the B-H port of Ploce to Sarajevo. A grant to VITA was increased in December for the assessment and implementation phases of UNHCR's Logistics Management System. OFDA is also funding a technical support position for the VITA grant with UNHCR.

OFDA dispatched a disaster assistance response team (DART) to Zagreb on Dec. 12 to manage the refugee/displaced persons assistance programs and to monitor the distribution activities of UNHCR, NGOs, and international donors. The DART consists of team leader Rene Carrillo, an information officer, an administrative officer, a military liaison officer, a refugee/displaced persons specialist, and a field consultant. Tom Brennan and Bill Stuebner, the DART field consultants, traveled to B-H to assess humanitarian needs. The DART will coordinate OFDA activities and other humanitarian initiatives throughout former Yugoslavia.

The administrative and equipment costs for sending a DART to Zagreb are recent expenses incurred by OFDA. Two bridge experts were also sent by OFDA to assist in the installation of the Bailey bridging between Ploce and Sarajevo. One OFDA consultant was used to monitor the distribution of MREs and to provide assistance to victims in B-H, Croatia, and Kosovo. Two additional OFDA grants have been allocated but not obligated. The American Red Cross is to provide food, hygiene, and baby parcels to IFRC and ICRC in B-H with one of the grants, and the other grant to IRC is to provide winterization materials in B-H. Funds have also been obligated to support DART emergency relief programs in Croatia and B-H.

As of Jan. 13, RP has programmed \$26,137,455 million of the \$35 million, distributed to the following international organizations: UNHCR \$10 million; ICRC \$3 million; IFRC \$2 million; UNICEF \$3 million; U.N. World Food Program \$1 million; WHO \$2 million; and IRC \$5.137 million.

The Office of Food for Peace (FFP) has committed \$20 million worth of food commodities and transport costs for the relief effort in FY 1993. The initial \$10 million was provided for the purchase and transport of 20,079 MT of food for B-H, Slovenia, Croatia, and Macedonia. This entire \$10 million in food assistance has been programmed through the American Red Cross, working in conjunction with ICRC, IFRC, Church World Service, and the Brother's Brother Foundation. The bulk of the commodities provided were wheat flour, vegoil, beans, wheat, rice, and cornmeal.

Of the remaining \$10 million in 1993 FFP assistance, \$3.57 million has been approved for Catholic Relief Services (CRS), to monetize 12,124 MT of wheat and use most of the local proceeds to winterize and operate refugee camps in Macedonia. The remainder of the funds obtained from monetization will be used for the direct feeding of Macedonian refugees. AID has several programs under funding consideration with the remaining \$6.4 million in FY 1993.

Since October 1, 1992, DOD has provided \$80 MT of clothing worth \$4.5 million; sleeping bags valued at \$158,000; 2 million MREs valued at \$9.2 million; and heavy equipment, vehicles, and miscellaneous equipment valued at \$2,134,100. DOD has also delivered four Bailey bridges, together with the necessary equipment to construct them, valued at approximately \$500,000.

## Summary of USG Assistance

### FY 1991

Total RP ..... \$1,000,000

### FY 1992

Total FHA/OFDA ..... \$3,760,201  
Total RP ..... \$33,632,138  
Total DOD ..... \$44,849,574  
Total A.I.D. Europe Bureau (funded) . \$619,900  
Total FHA/FFP ..... \$9,350,000  
TOTAL FY 1992 ..... \$92,331,813

### USG Assistance in FY 1993

#### OFDA Assistance

OFDA plastic sheeting and transport (B-H) {estimated replacement value} ..... \$306,600

Purchase and airlift of transparent plastic (B-H) ..... \$471,000

Transport costs for 10,000 stoves (B-H) . . . \$345,740

Administrative costs of OFDA consultant . . . \$118,789

Additional costs of OFDA contractor . . . . . \$440

Administrative costs of bridge experts (B-H) . . \$27,104

Grant to VITA for commodity tracking system ..... \$187,531

Technical support for UNHCR's logistical management system ..... \$18,325

Computer laptops & adaptors for DART . . . \$10,160

Administrative costs of OFDA consultant to monitor MRE distribution and to assist emergency victims ..... \$31,107

Administrative costs of DART team leader and two DART members ..... \$121,838

Grant to IRC (allocated) ..... \$5,500,000

Grant to American Red Cross (allocated) . . . \$1,442,985

Additional costs of bridge experts (B-H) . . . . \$92,292

Funds to support DART emergency relief program ..... \$100,000

**RP Assistance**

Grants to UNHCR, ICRC, IFRC, UNICEF,  
WFP, WHO, and IRC (B-H, Croatia,  
and Slovenia) . . . . . \$26,137,455

**FFP Assistance**

Food commodities and transport . . . . . \$13,570,000

**DOD Assistance**

Value of 580 MT of clothing/blankets . . . . \$4,500,000

Value of 2.0 million MREs . . . . . \$9,200,000

Value of sleeping bags . . . . . \$158,000

Value of 17 pickup trucks . . . . . \$267,700

Value of 10 utility trucks . . . . . \$170,200

Value of 8 ambulances . . . . . \$152,000

Value of 17 1.5 kw generators . . . . . \$13,600

Value of flakvests . . . . . \$36,700

Value of 1 fire truck . . . . . \$40,000

Value of 70 MT of urea . . . . . \$51,400

Value of 3 snow plows/trucks . . . . . \$159,500

Value of 2 towed snow blast brooms . . . . . \$122,700

Value of 3 Mercedes-Benz 5-ton dump trucks \$110,000

Value of 3 Case front loaders . . . . . \$68,400

Value of 2 motorized urea spreaders . . . . . \$30,800

Value of 4 road graders . . . . . \$224,000

Value of 1 towed urea spreader . . . . . \$12,100

Value of pallet racks for Split airport . . . . \$175,000

Value of 4 Bailey bridge kits (shipped) . . . \$500,000

Transportation and related costs . . . . . \$5,000,000

Total OFDA . . . . . \$8,773,911  
Total RP . . . . . \$26,137,455  
Total FFP . . . . . \$13,570,000  
Total DOD . . . . . \$20,992,100  
TOTAL FY 1993 . . . . . \$69,473,466

TOTAL \$162,805,279

**Assistance Provided by U.S. Voluntary Agencies**  
*The private voluntary organizations have reported the following contributions:*

Adventist Development and Relief Agency - sent food, blankets, medicine, baby food, and dried milk to Zagreb for distribution through 50 centers in Croatia. ADRA/Germany has sent relief supplies valued at \$2,000,000, and \$560,000 of relief supplies are expected to arrive soon in Bosnia-Herzegovina, including Sarajevo.

American Croatian Relief Project - sent 8 40-ft. containers and one 20-ft. container of food, clothing, medical supplies, and equipment to Croatia and B-H. ACRF estimates the value of the goods at about \$1,000,000.

American Jewish Joint Distribution Committee - flew an airlift of food to Sarajevo and worked with the IRC, Caritas, and others to distribute the food. AJJDC has purchased 2,000 square meters of hard plastic sheeting and 10,000 square meters of soft plastic sheeting to winterize broken windows in B-H. The shipment of plastic sheeting is expected to arrive in Split shortly.

American Red Cross - sent 2,500 food parcels to ICRC for distribution in B-H, and is accepting cash donations. ARC is currently seeking funds and determining new ways to assist the needy.

AmeriCares - has flown over 497 MT of relief supplies, as well as doctors and nurses, to the former Yugoslavia. Return flights have been used to evacuate wounded and orphaned children. A portion of the supplies were distributed to refugees from B-H in Hungary. AmeriCares estimates the value of the supplies transported on its 20 airlifts in excess of \$34,000,000.

AMURT (Ananda Marga Universal Relief Team) - has been channeling food, blankets, and clothes to Croatia and Bosnia through their units in Europe.

Baptist World Alliance - has provided funds for relief to the Baptist Union of Croatia, as well as food, seeds, plastic sheeting, and financial aid through other organizations. Distribution has been among refugees and displaced persons throughout Croatia and into Bosnia-Herzegovina. BWA has signed an agreement with A.I.D. and the Red Cross for over 1,000 MT of food assistance and is shipping 25,000 lbs. of seeds to Croatia.

Brother's Brother Foundation (BBF) - has sent or committed over 700 MT of food, medical supplies, winter clothing, and seeds, all valued at \$19,000,000, to Croatia, B-H, and Serbia. Consignees are the Baptist Union, the Serbian Orthodox Church, the Catholic Church of Croatia, and Merhamet, (a Bosnian Muslim NGO). On Aug. 13, BBF sent an ocean-going container of medical and other relief supplies to B-H, in cooperation with the Croatian Fraternal Union of America. In September and October, BBF shipped 470,000 pieces of winter clothing to Croatia and B-H, provided by U.S. DOD. BBF has agreed to a DOD request that they collect blankets, winter clothing, sleeping bags, etc. for a DOD shipment to the former Yugoslavia before the end of January.

CARE - delivered relief goods (medicine, food, and hygienic supplies) to the communities of Hrasnic, Tesanje, and Jajce in B-H in late August. CARE estimates the value of supplies provided since December 1991 to be \$1,200,000. CARE is striving to raise \$400,000 to continue feeding refugees in B-H.

Catholic Relief Services (CRS) - is working with UNHCR on winterizing refugee centers in Macedonia. Church World Service (CWS) - distributed \$70,000 worth of medicine and blankets with funds raised by a September 1991 appeal. CWS issued a second appeal and, as of Aug. 10, had sent an additional \$72,000 in contributions. In early August, CWS sent a shipment of medical supplies into Sarajevo in cooperation with the World Council of Churches and Lutheran World Federation. CWS also provided \$1,000,000 to UNICEF for blankets for children and is donating \$200,000 in Blanket Program funds for blankets for refugees in Serbia and Croatia. In cooperation with the American Red Cross, CWS sent \$2,024,000 in A.I.D. food to Lutheran World Federation (LWF) and others for distribution in Bosnia and Croatia. During early December, CWS transported \$1 million worth of medicines to hospitals and clinics in the former Yugoslavia. A \$3,000,000 emergency shipment of

medicines and medical supplies was sent by U.S. churches as a Christmas present to people in B-H. Distribution of the medicines to hospitals and clinics will commence after January 1, 1993.

Direct Relief International (DRI) - has completed six medical assistance shipments to Bosnia, Croatia, and Serbia. Medical supplies transported include antibiotics, analgesics, local anesthetics, burn cream, sutures, instruments, syringes, and surgical/first aid supplies to treat trauma wounds. The value of all medical supplies contributed is about \$150,000 and the six shipments sent have weighed approximately 1.75 tons.

Doctors of the World (American affiliate of Medecins du Monde) - in cooperation with the Harvard International AIDS Institute, established a vaccination project in Kosovo (an Albanian enclave in Serbia) to immunize 250,000 children in the area against polio and other childhood diseases. The project is supported by government agencies, foundations, corporations, and private individuals, including the Albanian Society of New York, UNICEF (\$100,000), Popper Foundation of Switzerland (\$70,000), and ICN- Galenika Pharmaceutical Co. (\$70,000). Negotiations are currently underway to open an international community health center for children in Ferizaj/Urosevac, Kosovo. The focus of the new medical facility will be treat the infections of young children in the city and its surrounding areas. A training center for local public health doctors will also be contained in the facility.

Interchurch Medical Assistance (IMA) - has provided medicine and medical supplies to Croatia and Serbia through their member and associate-member programs.

International Medical Corps (IMC) - sent a fact-finding group to B-H to discuss with government officials the creation of an IMC trauma and emergency hospital and medic training program. IMC is in the process of seeking private sector funding.

International Orthodox Christian Charities (IOCC) - opened an IOCC office in Belgrade during December 1992. With private funding, IOCC acquired 600 metric tons of wheat flour from Hungary and expects to purchase and deliver 100 metric tons every ten days for displaced Serbs in Serbia and Bosnia. Medical supplies valued at \$1.5 million have also been delivered to those in need with the assistance of the Relief Commission of the Serbian Orthodox Church.

International Rescue Committee (IRC) - sent a team, funded by an OFDA grant, to the conflict areas to work with local and international agencies in the relief effort. IRC has been assessing for the Government of Croatia ways of housing the large number of refugees from B-H and conducting a building reconstruction program. IRC is also running a warehouse and food distribution program out of Split, as well as the overall monitoring of service delivery. IRC's winterization program involves contracts with local factories to provide stoves and plastic. The IRC Humanitarian Assistance Coordination and Operations office in Split allows NGOs to coordinate the distribution of relief supplies and information from assessment trips. Assessments have been done in central and eastern Bosnia, Macedonia, Dalmatia, and the Kosovo region.

Lutheran World Relief - has provided \$150,000 for emergency supplies for Croatia and B-H, including food, medicine, temporary shelter, and water pumping and well drilling equipment.

MAP International - has provided over \$7,000,000 worth of medical supplies for Croatia, B-H, and Macedonia. MAP has also delivered 12 WHO emergency kits to Croatia and Belgrade. MAP earmarked \$2,000,000 in medicine for an August shipment to B-H. A \$500,000 shipment of medical supplies is expected to be delivered in February.

Operation USA - airlifted \$158,000 worth of emergency medicine and clinical supplies to Sarajevo. Operation USA is working through Equilibre, a French NGO.

Project Hope - fielded a 3-person team from April 5 to 9, funded by an A.I.D. Europe Bureau grant, to determine medical needs in Bosnia-Herzegovina. On June 15, Project Hope shipped \$3,000,000 (\$600,000 funded by A.I.D.) worth of medical supplies to Medecins sans Frontieres in Zagreb for distribution in B-H. DOD provided air transport to Graz for one-half of the shipment.

World Relief (WR) - has contributed nearly \$45,000 to four Croatian Christian groups to provide soap, diapers, and toiletries for refugee families. In September, WR shipped over \$20,000 in personal care supplies to refugees in Ljubljana, Slovenia. Additional contributions in November permitted WR to deliver more than \$250,000 in medical supplies to those affected by conflict in Mostar. The distribution of all relief assistance shipped in September and November

was handled by Agape, the relief arm of the Evangelical Church of Croatia. WR is also helping partners in their efforts to provide personal care supplies and heating fuel to refugees in the Serbian cities of Novi Sad, Backi Petrovac, and Belgrade.

World Vision Relief and Development (WVRD) - is implementing a \$60,000 project that provides food, blankets, beds, medicine, and a truck through Agape. WVRD is providing 2,000 refugees in the city of Osijek, Croatia, warm meals daily through three feeding kitchens during the months between October 1992-March 1993. Other relief efforts by World Vision in Osijek include replacing and installing windows in buildings damaged by bombings, and the provision of blankets, medicine, medical supplies, and a truck.

Other organizations accepting donations for victims of the war in the former Yugoslavia include the American Jewish World Service, American Refugee Committee, Presiding Bishop's Fund/Episcopal Church, Unitarian Universalist Service Committee, and U.S. Committee for UNICEF.

#### Assistance Provided by the International Community

##### International Organizations

European Community (EC) - has attempted to mediate the conflicts by sending observers to crisis areas and sponsoring a peace conference. The EC had committed or pledged a total of \$388,085,000 for relief operations as of Dec 1. EC contributions are in kind as well as cash. EC food commodity pledges will total 95,849 MT during the January-March 1993 period. The EC has provided a task force to assist UNHCR with staff operating in B-H.

FAO - assesses overall supply and agricultural production in accessible areas of the former Yugoslavia.

International Federation of Red Cross and Red Crescent Societies (IFRC) - works with local chapters in non-conflict areas to complement the work of ICRC and UNHCR. The IFRC has 16 delegates in place supporting local societies. The IFRC is managing the protective shelters opened for ex-detainees in Karlovac, Croatia.

International Committee of the Red Cross (ICRC) - as a neutral intermediary, has worked in Yugoslavia since

mid-1991, acting in its traditional role of providing protection and emergency medical assistance, tracing missing persons, and disseminating information on international humanitarian law. The ICRC distributed over 5,000 MT of family parcels donated by Red Cross national societies, over 4,900 MT tons of bulk food, and 1,143 MT of non-food items, as well as 130 tons of medical supplies to hospitals. ICRC was assisting 367,513 beneficiaries in December and planned to increase its relief program to 500,000 beneficiaries by March 1993. A first ICRC appeal was launched on Sept. 9, 1991, and a revised appeal was issued on April 21, 1992. The latest appeal in October requested some \$39.8 million.

OPEC - provided \$100,000 for relief supplies for B-H to be administered by UNICEF.

UNICEF - has carried out a program in Bosnia-Herzegovina, providing milk for infants, vaccines, and emergency health kits to meet the needs of women and children. UNICEF donated \$250,000. Under the U.N. appeal, UNICEF is focusing on information programs, supplementary feeding programs, assistance to sick children, and vaccination programs. Several projects have also been implemented to deal with psychological trauma in children most severely affected by the conflict.

UNHCR - the designated lead agency, began a program complementing that of ICRC in November 1991. Working with people displaced by the war, UNHCR distributes food and other relief items and provides social services and transport and logistics assistance. UNHCR, as coordinator of humanitarian assistance in the field, has established 22 offices in the former Yugoslavia, with eight additional offices being planned.

UNHCR/UNICEF/WHO - launched joint appeals in December 1991 and April 1992. A joint U.N. appeal in May for over \$165 million superseded the April appeal. On July 29, the UNHCR convened an international meeting on humanitarian aid to the victims of civil strife in Yugoslavia. A Follow-Up Committee, consisting of a "core group" of governments and international agencies, was formed. The Follow-up Committee agreed at its first meeting to send an inter-agency team to assess the humanitarian needs in the former Yugoslavia. The assessment team's report was the basis for discussion at a UNHCR meeting in Geneva on Sept. 4, at which a new consolidated appeal for \$434,165,800 was announced. The appeal was revised

for a new total of \$642,493,793 for the period January-March 1993.

WHO - is carrying out a program to provide support for war traumatized children, to rehabilitate health services, to provide essential drugs, and to monitor the impact of the conflict on existing health infrastructure. WHO has provided UNHCR with health kits which will provide basic medical care for 20,000 people for three months, and has developed a health strategy, employing a team of specialists, to look at health problems in the former Yugoslavia. WHO has an area office in Zagreb and field offices in Belgrade, Sarajevo, Split, and Vitez.

WFP - has taken over the procurement of food supplies which are subsequently distributed by UNHCR. WFP receives pledges from the EC and bilateral sources and makes purchases locally.

#### Governments

*G-24 Governments had committed the following as of Dec. 1.*

Australia - \$786,000  
Austria - \$23,175,000  
Belgium - \$6,256,000  
Canada - \$23,137,000  
Denmark - \$27,892,000  
Finland - \$2,493,000  
France - \$34,435,000  
Germany - \$71,051,000  
Greece - \$1,413,000  
Iceland - \$140,000  
Ireland - \$560,000  
Italy - \$36,495,000  
Japan - \$24,510,000  
Luxembourg - \$2,254,000  
Netherlands - \$22,792,000  
New Zealand - \$97,000  
Norway - \$25,627,000  
Portugal - \$438,000  
Spain - \$2,066,000  
Sweden - \$22,920,000  
Switzerland - \$32,465,000  
Turkey - \$4,113,700  
United Kingdom - \$58,510,000



Assistance from the above countries includes a snow-clearing team and a mobile surgical unit (France); plastic sheeting for shelter and funds to assist refugees in Croatia (Italy); a transport unit and winterization of a refugee camp in eastern Croatia (the Netherlands); shelter projects and trucks (Sweden); and trucks and drivers (United Kingdom). Some of the above countries are also contributing to UNPROFOR.

*The following governments have also contributed to the relief effort in the former Yugoslavia:*

Algeria - \$80,000 to the U.N. appeal  
Cyprus - \$67,000 to the U.N. appeal  
Czech and Slovak FR - \$25,000 to the U.N. appeal  
Indonesia - \$100,000 to the U.N. appeal  
 Iran - sent 15 truckloads of food and medical supplies for B-H.  
 Liechtenstein - \$19,737 to UNHCR  
Malta - \$5,000 to the U.N. appeal  
Morocco - \$10,000 to the U.N. appeal  
 Russia - plans to send technical experts.  
 Saudi Arabia - sent four flights to Sarajevo, delivering more than \$27,000,000 in cash and several metric tons of food.  
 Thailand - \$4,000 to UNHCR  
 Tunisia - \$2,000 to UNHCR

Non-Governmental Organizations

Agfund - \$400,000 to U.N. appeal  
CR Algerien - \$83,732 to U.N. appeal  
Centre International Esapera - \$60,000 to U.N. appeal  
 European UNICEF Committees - \$572,584  
 German Foundation for UNHCR - \$154,529  
 Japan Committee for Refugee Relief - \$1,000,000  
Japan Committee for WCRP - \$10,400 to U.N. appeal  
 Medecins sans Frontieres - is carrying out a program to monitor the health situation, providing drugs and medical supplies to hospitals and other institutions and distributing food and first-aid supplies in B-H, Serbia, and Croatia.  
 Organization of the Islamic Conference - has pledged several million dollars to B-H.  
 Soroptomist International (Japan) - \$16,030  
 Stichting Vluchteling (Netherlands) - \$594,012  
 Private donations (Austria) - \$28,000,000 used to send relief trucks to B-H  
 Private donations (Japan) - \$4,858 to UNHCR  
 Private donations (Luxembourg) - \$303 to UNHCR  
 Private donations (Switzerland) - \$194 to UNHCR

United Arab Emirates Red Crescent - sent 10 tons of medicine and 12 tons of food to B-H and supplied refugees in Croatia with locally-purchased medicine and food.

  
 James Kunder  
 Director  
 Office of U.S. Foreign Disaster Assistance

# PHYSICIANS FOR HUMAN RIGHTS

AN ORGANIZATION OF HEALTH PROFESSIONALS

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## The Humanitarian Crisis and the Medicolegal Investigation of War Crimes in the former Yugoslavia

Testimony of Eric Stover  
Physicians for Human Rights  
January 25, 1993

Before the U.S. Commission on Security  
and Cooperation in Europe

Thank you, Chairman DeConcini and Chairman Hoyer, for holding this important hearing and for inviting me to testify. My name is Eric Stover, and I am Executive Director of Physicians for Human Rights, a nongovernmental organization of health professionals which uses the skills and expertise of the medical profession to investigate and prevent violations of international human rights and humanitarian law.

Physicians for Human Rights (PHR) is now engaged in three projects related to war crimes and the humanitarian crisis in the territory of the former Yugoslavia:

(1) In December 1992, a PHR forensic team began on-site investigations of mass graves in the former Yugoslavia, under the auspices of the U.N. Commission of Experts, charged to collect evidence of grave breaches of the Geneva Conventions and other violations of humanitarian law.

(2) In early January 1993, an international team of female physicians, assembled by PHR, travelled to former Yugoslavia under the auspices of the U.N. Commission on Human Rights to investigate reports of widespread rape and other forms of sexual abuse, especially in Bosnia-Herzegovina.

(3) Today--January 25, 1993--a PHR medical team arrived in the former Yugoslavia to gather systematic data on the immediate medical and public health consequences of the Yugoslav war and to investigate reports of violations of medical neutrality and of attacks against convoys transporting medical and relief supplies to civilian populations.

## The Medicolegal Investigation of War Crimes

Physicians for Human Rights believes that the United Nations Security Council should enforce the prohibition of "grave breaches" of the Geneva Conventions by establishing an international tribunal at the highest level to investigate, prosecute, adjudicate; and punish those on all sides who have been responsible for war crimes and crimes against humanity on the territory of the former Yugoslavia. PHR believes those responsible for past abuses should be held accountable, both because we feel a duty to the victims and their families and because we believe that such accountability provides the most secure foundation for future respect for human rights and humanitarian law.

To that end, PHR is now providing the United Nations with medical and forensic expertise to conduct impartial and independent investigations of violations of human rights and war crimes by all the sides in the conflict.<sup>1</sup>

A PHR forensic team, under the auspices of the U.N. Commission of Experts, is now investigating possible war crimes associated with mass graves in the former Yugoslavia. So far, the team has undertaken preliminary inspections of four alleged mass graves and conducted a preliminary archeological exploration of a fifth grave near the city of Vukovar. Our findings from the Vukovar site have been submitted to the U.N. Commission of Experts, and I am able to speak about some of those findings today.

On 17-19 December 1992, a PHR team, comprised of forensic specialists from the United States and Argentina, conducted a preliminary site exploration of a mass grave approximately 6 km southeast of the city of Vukovar, in the territory of former Yugoslavia. The work was carried out with security and assistance provided by the United Nations Protection Forces (UNPROFOR), Sector East.

Based on the preliminary site exploration, the forensic team concluded:

1. A mass execution took place at the gravesite.

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<sup>1</sup>Since its founding in 1986, PHR has conducted forensic investigations, including exhumations and autopsies, of alleged torture and extrajudicial executions in Brazil, Israel, Czechoslovakia, Guatemala, El Salvador, Iraqi Kurdistan, Kuwait, Panama, and Thailand. Moreover, members of the PHR team now working in former Yugoslavia have also participated in the medicolegal investigations of the disappeared in Argentina, Chile, Bolivia, Venezuela, and the Philippines.

2. The grave is a mass grave, containing perhaps as many as 200 bodies.

3. The remote location of the grave suggests that the executioners sought to bury their victims secretly.

4. There is no indication that the grave has been disturbed since the time of execution and interment.

5. The grave appears to be consistent with witness testimony that purports that the site is the place of execution and interment of the patients and medical staff who disappeared during the evacuation of the Vukovar Hospital on 20 November 1991. However, before that determination can be made with scientific certainty, the grave will need to be excavated and a number of bodies will need to be identified using forensic methods and techniques.

The forensic team proposes to return to Vukovar in mid-March to continue its investigation of the site. To complete its investigation, the forensic team will need the full support and cooperation of the United Nations and interested governments.

The Vukovar grave was discovered by forensic anthropologist Dr. Clyde Collins Snow and other investigators from Physicians for Human Rights and the United Nations in an isolated wooded area southeast of the farming village of Ovcara, near Vukovar, on 18 October 1992. A preliminary inspection of the site revealed three young adult male skeletons partially exposed by erosion and animal scavengers. Two of the skeletons bore signs of perimortem trauma. Soon after the discovery of the grave, UNPROFOR authorities took immediate action to insure round-the-clock security of the site.

The discovery of the site is consistent with witness testimony of the disappearance of about 200 patients and medical staff members from the Vukovar Hospital during the evacuation of Croatian patients from that facility on 20 November 1991.<sup>2</sup> At that time, the hospital held several hundred civilian and military patients, most of whom had been wounded in the heavy fighting in and around Vukovar during the preceding months. When Serbian forces occupied the hospital in mid-November, both sides agreed that the approximately 420 Croatian patients should be evacuated to Croatian-held territory. According to this agreement, the evacuation was to be monitored by representatives

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<sup>2</sup>See Annex II, U.N. Commission on Human Rights, "Report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission of Human Rights," E/CN.4/1992/S-1/10, 27 October 1992, p. 13-14.

of the European Monitoring Mission and the International Committee of the Red Cross.

However, according to witnesses, reservists and Yugoslav National Army (JNA) officers and soldiers separated the lightly wounded military and civilian males from the other patients and boarded them on several buses near the hospital. Among this group were a number of male hospital workers. The buses, each containing about 60 prisoners and two JNA guards, were driven to the JNA barracks in Vukovar at about 11:00. At 14:00 the buses proceeded to Ovcara where the men were transferred to a large building used as a garage for farm equipment and vehicles. While moving from the buses to the building, the men were beaten by JNA soldiers and Serbian paramilitaries with a variety of blunt instruments. The beatings continued for several hours inside the building. According to witness testimony, at least 2 men were beaten to death.

At about 18:00 that same day, JNA soldiers divided the prisoners into groups of about 20 men. One by one, each group was loaded onto a truck and driven away. At intervals of about 15 to 20 minutes, the truck returned empty and another group was loaded onto it. According to witness testimony, the truck left the building and turned onto a paved road that leads to Grabovo, a village about 3 km southeast of Ovcara. A few minutes later, the truck made a left turn onto a dirt field road. This road ran between a cultivated sunflower field on the left and a heavily wooded area on the right (see Annex 1, Site Maps).

Given the estimates of time and distance between the farm building and from the description of the roads used, only one location fits the description: the dirt field road turning off the main road at 1.1 km southeast of the Ovcara complex. This track runs northeast, between a cultivated field on the left and a heavily wooded ravine on the right. The area where the skeletons were discovered is located at the head of the ravine, at 0.9 km from where the field road turns off the main road.

PHR believes that the physical evidence obtained from the Vukovar grave and dozens of other mass grave sites in former Yugoslavia may provide irrefutable evidence of possible war crimes. Indeed, this evidence may prove to be the strongest proof that such crimes actually took place. What follows is a brief description of some of the scientific procedures used in the medicolegal investigation of mass graves:

1. Once a decision has been taken to investigate a mass grave, the site must be secured for the duration of the excavation and a system of chain-of-custody established in the same manner as a crime scene investigation.

2. After a preliminary archeological site survey is

completed, the forensic team will begin the excavation by establishing the perimeter of the grave and then dividing it into sectors. The team will then dig test probes to determine the perimeter and the level of the burial. With this established, the dirt over the grave can be removed with picks and shovels to a level of ten centimeters above the skeleton. After the overburden, as the surface soil is called, has been removed, the team will begin meticulously removing the dirt with trowels and soft brushes until the complete skeletons are exposed. They will then be photographed and removed.

This methodical approach pays dividends in the recovery of many small and fragile items such as teeth, bullets, and personal effects which are often critical in the identification of the deceased and determination of cause and manner of death. Moreover, special studies of the delicate remains of plants and insects found in the grave can aid in establishing the time of death.

3. Once the team has completed the excavation, the remains will be transferred by the United Nations to the laboratory team. This team will consist of a core group of forensic specialists in physical anthropology, pathology, odontology, and radiology. A geneticist and molecular biologist will be retained for mitochondrial DNA testing of the remains. Assuming projectiles are recovered from the grave, a ballistic expert will identify the types and, to the extent possible, the model of firearms used during the alleged massacre.<sup>3</sup>

In most cases, antemortem dental and medical X-rays provide the most immediate means of identifying skeletal remains. If, for one reason or another, sufficient radiological evidence is not available, the forensic anthropologist will undertake an anthropological study of the skeleton. Such a study involves determining the skeleton's age at death, sex, race, stature, and handedness. At the same time, the forensic anthropologist and other team members will be examining the remains for signs of old injuries and diseases. This information will then be compared with the deceased's antemortem characteristics to see if they match.

Given the large number of presumed victims in the grave, it may be necessary to employ a technique known as skull/face superimposition. First developed in the 1970's, the technique involves the use of two high-resolution video cameras to

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<sup>3</sup>PHR has just completed a firearms identification analysis of a massacre that took place in a remote mountain village in Iraqi Kurdistan in 1988. See Middle East Watch and Physicians for Human Rights, The Anfal Campaign in Iraqi Kurdistan: The Destruction of Koreme, January 1993.

superimpose the separate images of a skull and a photograph of a missing person on a television monitor.<sup>4</sup> Once the two images are superimposed over one another, the forensic anthropologist can determine if they are either consistent or can be excluded.

It is very likely that the team will also need to use mitochondrial DNA testing<sup>5</sup> to identify many of the Vukovar remains. This forensic method requires comparing mitochondrial DNA extracted from the teeth of the deceased with DNA obtained from blood samples or hair follicles from maternal relatives. PHR is now using this technique to identify death-squad victims exhumed in July 1992 from several mass graves in the Guatemalan highlands.

### Women and Rape

Rape is specifically prohibited in Protocol II to the Geneva Conventions. Physicians for Human Rights believes that rape should be considered a war crime.

In early January 1993, PHR, at the request of the U.N. Special Rapporteur on former Yugoslavia, helped assemble a medical team, comprised of four female physicians, to travel to the former republic to investigate reports that thousand of Muslim and Croatian women and young girls have been raped, some repeatedly, by uniformed soldiers and militia. Dr. Shana Swiss, director of PHR's womens program, was a member of the team. Late last week, the team completed their work in former Yugoslavia and returned to Geneva; they will release their findings in the near future.

Because of the stigma attached to rape worldwide, shame often silences its victims. Yet reports from former Yugoslavia, Somalia, Kahsmir, Burma, Liberia, and other countries tells us that in war, rape is a daily part of womens' lives. Torture and

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<sup>4</sup>See Richard Helmer, Schadelidentifizierung durch elektronische Bildmischung: zugleich ein Beitrag zur Konstitutionsbiometrie und Dickenmessung der Gesichtsweichtheile (Heidelberg: Kriminalistik-Verlag, 1984).

<sup>5</sup>Mitochondrial DNA (mtDNA) testing has several features that make it attractive for the Vukovar case. Unlike chromosomal DNA which is inherited from both parents, both male and female children only inherit mtDNA from their mother. Therefore, when using mtDNA testing, a DNA sample from only one maternally related individual is required to identify the victim. That individual might include the victim's mother, siblings, maternal grandmother, or maternal aunts and uncles. This feature gives mtDNA testing more flexibility in situations where one or both parents are deceased, or cannot be located.

rape destroy feelings of human dignity, self worth, and physical integrity, as well as the capacity to think and act clearly. Unresolved trauma after being raped severely compromises a woman's ability to participate fully in family and community life.

Rape by soldiers also disrupts families and communities by exacerbating already existing conflict and hostilities between cultural, political, and ethnic groups. When committed in a context of war, rape differs from the crime as it is usually understood during peace-time: a deviant, criminal, act that is punishable by law under criminal codes. Women who are raped by soldiers cannot call for help, press charges, or demand justice. Moreover, the rape of women by soldiers who have license to rape because of their military affiliation is a form of institutionalized violence.

PHR believes that the collection of information about rape in war must be handled by professionals trained to gather legal testimony and to recognize the psychological vulnerability of victims of rape. Health professionals, relief workers, and others who interact with victims of rape need to be aware of and understand the consequences of rape on the life of victims, as well as the cultural context within which the victims must live. Without such understanding, victims of rape will continue to be victims and fail to receive the proper support they need to cope with their trauma.

These concepts were supported at a meeting, on January 11, 1993, of representatives from several human rights organizations, relief agencies, and experts in the treatment of psychological trauma held under the auspices of the Albert Schweitzer Institute for the Humanities at the Kennedy School of Government at Harvard University. Participants at the meeting expressed concern that the media and human rights and therapeutic organizations were conducting self-appointed assessments of rape victims in the former Yugoslavia in a manner that could potentially compound the emotional trauma that these women have already suffered.

The PHR/U.N. medical team which travelled to former Yugoslavia earlier this month sought to standardize the collection of testimony from rape victims through the use of a pre-determined questionnaire. The team also used another questionnaire designed to assess the physical and psychological sequelae of rape and to develop appropriate means of therapeutic intervention. Among other things, information was sought about past pregnancies, abortions, and sexually transmitted diseases; and the availability of services. The PHR/U.N. team will share their findings with relief agencies so they can better respond to the needs of victims of rape.

The elimination of rape as a concomitant of war requires, as



a first step, that we acknowledge its presence. We must then investigate individual cases of rape, while being ever mindful that the willingness of victims of rape to cooperate with such efforts must be tied to an assurance that the information will lead to legal proceedings. In this regard, those responsible for rape in the former Yugoslavia and those who have ordered or neglected to prevent these crimes must be held personally accountable to an international tribunal.

#### Medical and Public Health Consequences of War and Human Rights Violations

Violent death due to war is often followed by slower death, caused by epidemic disease--measles, meningitis, typhoid, diarrhoea, and respiratory infections--or famine.<sup>6</sup> War often has one of the following three consequences--or all three simultaneously: (1) It provokes movements of populations, which can introduce a new illness into the host population, or expose a weakened population to an illness from which they have previously been spared; (2) it hinders opportunities to control and eradicate vectors of the illness; and (3) through the absence of detection and treatment, it increases the number of cases of the illness so that it reaches epidemic proportions.

During the next two months of midwinter in the former Yugoslavia, the risk of death from exposure and especially disease will reach its peak. More than two million people are at risk. And some observers predict that hundreds of thousands may die over this period from violence, starvation, disease, and trauma.

Some of these tragedies will take place in well-publicized areas such as Sarajevo and Gradacic, and in the organized centers for refugees and displaced persons served by the UNHCR, ICRC, and other agencies. But the majority will occur in the hundreds of isolated and shattered Bosnian villages and informal "collective points"--schools, gymnasias, and abandoned public buildings--holding tens of thousand of displaced persons who are not reached regularly, if at all, by relief agencies.

In October 1992, Dr. H. Jack Geiger, PHR president and an authority on health care delivery in crisis situations, visited refugee and displaced persons camps and met with representatives of international relief agencies in Croatia and Bosnia in an attempt to determine the urgent needs of the Bosnian populations for health care, shelter, clothing, and food.

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<sup>6</sup>Medecins Sans Frontieres, Populations in Danger (London: John Libbey, 1992).

In a chaotic refugee site at Trnopolje, Dr. Geiger found more than 3,500 people crammed into two buildings and living in unbelievable squalor, sleeping on thin blankets and lice-infested straw, drinking contaminated water and attempting to survive on minimal rations of bread. One large room was filled with the sound of children coughing and infants crying. Upper respiratory infections were spreading rapidly. Other children and adults were suffering from diarrhea, presumably from contaminated water and a near total absence of sanitation. Some had been there for weeks. There were diabetics without insulin, cardiac patients without digitalis, hypertensives without any medication.

These conditions were repeated in scores of other camps, large and small, and in villages across Bosnia and other war-afflicted areas. The situation was made more desperate by the fact that an estimated 80 percent of the hospitals in Bosnia have been destroyed or damaged by Serbian forces.

Dr. Geiger found that international aid agencies were overwhelmed. Some relief workers were skeptical that "ethnic cleansing" could be halted. Geiger concluded that the deaths of Muslims, Croats, and some Serbs from exposure, starvation, and disease would soon far exceed deaths from shooting and military actions.

Today, a PHR medical team, comprised of six physicians from the United States and Great Britain, will arrive in the former Yugoslavia to assess the public health situation in Bosnia and to investigate evidence of violations of the Geneva Conventions, especially those that involve protection of medical personnel (Article 9) and medical units and transport (Article 11) and violations of the protection of the civilian population (Article 13). This information will be collected and analyzed to determine if these violations are sporadic or constitute a pattern that amount to grave breaches of the Geneva Conventions.

PHR's preliminary investigations, supported by reports in the press and reporting by Helsinki Watch<sup>7</sup>, uniformed and militia forces have attacked or otherwise harassed domestic and international medical and relief personnel and a number of people engaged in humanitarian aid have been killed or wounded. Relief convoys have been attacked, primarily by sniper and mortar fire, or preventing from reaching besieged Bosnian towns and villages. What follows are examples of the ways in which relief and medical supplies have been prevented from reaching civilian populations, as reported by news sources in recent months:

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<sup>7</sup>See Helsinki Watch, War Crimes in Bosnia-Herzegovina, August 1992.

o On August 20, 1992, Mortar shells hit hospital. Shells landed near the airport as it reopened to relief flights after a two-day closure. (Boston Globe, August 21, 1992).

o In late August, fierce fighting around Gorazde forced UN officials to delay plans to dispatch an aid convoy. (Boston Globe, August 31, 1992)

o In early September, four US Marine helicopters searching for an Italian relief transport plane that crashed in the mountains west of Sarajevo ran into gunfire and left the area. US Marines had been dispatched to help protect the supply of food and medicine to Sarajevo last June. They were not hit. Four people were killed in the Italian plane that was hit by a heat-seeking missile. Firing occurred near town of Jasenik, territory held by Croatian forces. Relief flights to Sarajevo were halted after the plane crash. (New York Times, September 4, 1992)

o Heavy machine gun fire blasted a UN convoy arriving from Serbia late Tuesday, killing two French peacekeepers and wounding two others. Attack occurred near the airport in Sarajevo. Convoy was from Belgrade. Clashes near airport over the past few days have suspended airlifts. Not clear who fired at the convoy. Gunfire was thought to be deliberate as it persisted for 5 minutes. Boutros-Ghali said he would support the use of warplanes to protect relief flights. The 39 vehicle convoy, carrying water, food, and fuel from Belgrade, was unprotected. (Boston Globe, September 9, 1992)

o On September 9, the commander of UN peacekeeping forces in Sarajevo charged that Bosnian Muslim militiamen deliberately attacked a UN supply convoy, just outside Sarajevo. The 39 vehicle convoy passed through fire between Serb and Muslim forces. The convoy was attacked at a range of less than 100 meters with machine gun fire. UN vehicles are painted bright white and fly the UN blue flag. The light was enough for recognition of the vehicles. (New York Times, September 10, 1992)

o It is mid-September and there are no safe corridors to deliver supplies to many towns in Bosnia. Convoys have to go across the lines of intense battle area. Attempts to ship supplies overland are thwarted by succession of Serbian attacks and hijackings. Roads littered with spent shell casings and burned out tanks. Roads that are chosen for convoys are unpaved and through dangerous mountainous terrain. As a result, in June, UN switched to airlifts--carrying 1500 tons of supplies a week to Sarajevo. In August, an Italian relief aircraft was shot down by ground-air missile, 20 miles NW of Sarajevo. Four crewmen died. They were shot down by Croatian forces. (New York Times, September 24, 1992)

o On September 4, trucks carrying supplies to UN headquarters

were fired on by Bosnian government forces as they approached Sarajevo airport. Two French soldiers were killed. (New York Times, September 24, 1992)

o By late September, there is no sanitation, electricity, or water in many Bosnian hospitals. (New York Times, September 25, 1992)

o On September 26, Serbs continued to use planes to attack Muslim and Croatian areas used by relief convoys. Relief flights to Sarajevo suspended after Italian cargo plane was shot down on Sept. 3. U.N. Security Council authorizes use of force if necessary to protect relief convoys in Bosnia. (New York Times, September 27, 1992)

o Ambulances are bullet-ridden at the principal medical center in Kosovo. (New York Times, September 27, 1992)

o In mid-October, Bosnian government forces barricaded the airport road where relief supplies tried to get through to Sarajevo. The forces also raised weapons against UN military officers who tried to reopen the road. A shipping container was placed in the road and UN officials were threatened by force not to remove it. The road was the only channel through the siege lines to deliver food and medical supplies. The Bosnian action of blocking the airport road led to an armed confrontation when UN troops arrived at the container and began placing steel cables around it to haul it away. Bosnian troops aimed a grenade launcher and automatic rifles at a Canadian UN Officer. The barricade bottled up hundreds of tons of relief supplies being loaded off Western military aircraft shuttling into the airport and blocked the passage of two tanker trucks under UN protection enroute to the city with 60 tons of diesel fuel, badly needed by two city hospitals. (New York Times, October 17, 1992)

o Kosovo Hospital in Sarajevo is under artillery fire. Virtually every building has blast holes in roof and walls. UN relief headquarters has not been able to fulfill the demands of the hospital for antibiotics, painkillers, bottled oxygen, blood plasma, surgical instruments, syringes, gauze, liniment, rubber gloves, smocks, bedsheets. Relief convoys have been halted by fighting. Diesel-powered energy operates electricity. Hygiene is poor. (New York Times, October 18, 1992)

o UN Military headquarters dispatched armed rescue mission to village 50 miles northwest of Sarajevo where 8 UN relief workers were trapped by fierce street fighting between Croats and Bosnian government at Vitez. Four armed personnel carriers manned by French troops attempted to rescue the workers. Vitez is a key link in supply line being used to get supplies to Sarajevo and other towns in central and northcentral Bosnia. UN warehouse there supplies food, fuel, clothing, construction materials.

Vitez is the only reliable route to areas where the needy are. Two convoys were attacked week of October 21 on outskirts of Mostar in Bosnia and had to turn back. (New York Times, October 21, 1992)

o Refusal of UN force to allow more than 200 wounded or chronically ill people to remain on the emergency evacuation list. Red Cross withdrew its staff from Bosnia after its chief delegate was killed in a Serbian artillery attack outside Sarajevo in April. UN left to handle all relief efforts. (New York Times, October 28, 1992)

o Relief efforts are severely hampered. Relief agencies report being harassed by all three groups of the war--though predominantly Serbs. Long delays of relief convoys at Serbian checkpoints while their cargoes are examined. Convoys have had to turn back after becoming under fire. Militias halt convoys and search supplies--believe water being transported may be fuel or poisonous chemicals or that shipments of food, blankets and other supplies are hiding grenades. Convoys have met over 1,000 barricades. (New York Times, November 3, 1992)

o A convoy carrying 240 tons of food was forced to turn back to Belgrade after Serbs blocked passage to a Muslim enclave. The convoy was due to deliver food to Bratunac, a Serb town 50 miles northeast of Sarajevo and Srebrenica, a Muslim area south of Bratunac. The Serbs said it would allow the convoy to serve Bratunac but not Srebrenica. UN officials refused to supply just one town and turned back. They were able to deliver the aid to Srebrenica later on November 28. The Bosnian Serb army blocked the convoy for three days. (Boston Globe, November 7, 1992)

o UN peacekeeping soldiers fired back when their vehicles were attacked yesterday. British soldiers on a reconnaissance mission returned fire after they drove into a gun battle at Ribnica, 20 miles south of Tuzla, in central Bosnia. There were no British casualties. The British troops were part of a UN peacekeeping force to escort convoys taking relief supplies from the Croatian port of Split to Sarajevo and towns in central Bosnia. Bullets missed the vehicles by inches. Not clear who was responsible for attack. (Boston Globe, November 8, 1992)

o Relief flights into Sarajevo were temporarily halted yesterday by heavy fighting near the airport. A 10-truck aid convoy bound for Sarajevo was stopped near Mostar because of fighting. A group of Danish UN peacekeepers were stopped by Serbs on the road from Belgrade. (New York Times, November 9, 1992)

o The Bosnian Red Cross abandoned evacuation efforts for nearly 1,000 Serbs due to a shooting attack on the driver of a minivan carrying 20 Serbs out of Sarajevo into territory controlled by the Serbian forces. The driver, a Serb, was lightly wounded.

(New York Times, November 12, 1992)

o The first UN relief convoy to reach Bosnian town arrived outside Sarajevo. Prior to its arrival, UN French troops exchanged gunfire with Serbian forces as they attempted to bring food and medicine to Bosanska Krupa, Bosnia. Serbian forces fired at the French-led convoy for 10 minutes. The French were ordered to fire back. Serbs kept firing until the convoy (6 armored personnel carriers and 4 trucks filled with relief goods) were able to snake through the street. Bullets struck one truck and an armored vehicle but no one was wounded. Not known if any Serbian casualties. This was the first time that UN forces used firearms to protect supplies. The French soldiers said that the firing came despite a promise by Serbian commanders to hold fire until the aid had been delivered. A second convoy, manned by British personnel, safely arrived in Tuzla. (New York Times, November 20, 1992)

o UN troops from Britain were fired on yesterday while returning from a successful relief mission to the Bosnian city of Tuzla. Several tracer rounds, automatic fire and mortar bomb hit the road as the troops, serving as protection for a UN-aid convoy, were returning from Tuzla. The troops did not return the fire. This was the second UN relief convoy in Bosnia to come under fire in 24 hours. Another convoy taking food and emergency supplies to Sarajevo was attacked on November 17 in southern Bosnia. No was hurt but a vehicle was damaged and left behind. (Boston Globe, November 20, 1992)

o A humanitarian airlift to Bosnia was suspended after small-arms fire struck part of a US Air Force transport plane on its landing approach to Sarajevo. The plane was able to land safely, unload its relief supplies and return to Zagreb. The airlift was suspended until investigation of shooting could take place. Twenty flights carrying food, medicine and other relief supplies were scheduled to land yesterday in Sarajevo but only 10 arrived after the airlift was suspended. Earlier Bosnia's army also accused the Serbs of shelling the airport runway overnight with the intention of destroying the radar system to stop humanitarian flights. (Boston Globe, December 2, 1992)

o No food reliefs reached Sarajevo as fighting raged. Relief airlift was suspended after U.S. airforce transport plane was hit by small arms fire while approaching airport. Truck convoy was held up due to fear of fighting. Convoy of 12 trucks trying to reach Gorazde was stopped by Serbs. (New York Times, December 3, 1992)

o UN officials urged NATO to consider dropping food and medicines by air since for months UN convoys (trucks) have been held up or turned back by Serbian nationalist forces. (New York Times, January 12, 1993)

o A UN relief convoy that set out for Zepa on Friday with 76 tons of food and medicine survived an obstacle course fashioned by Serbs to delay the mission as long as possible and to exhaust the relief officials. The route was blocked by fallen trees and minefields. The relief mission took three days. Serbs planned the only route to Zepa to be obstructed and rerouted the convoy several times. (New York Times, January 18, 1993)

By prohibiting starvation of the civilian population as a method of warfare or combat, Article 54 of Protocol I and Article 14 of Protocol II of 1977 to the Geneva Conventions of 1949 establish a substantially new rule which has been accepted by many governments as customary law.<sup>8</sup> Article 14, Protocol II provides that "Starvation of civilians as a method of combat is prohibited. It is prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population..."

Neither party to a conflict may destroy objects indispensable to the survival of civilians because it suspects those civilians of supporting the adversary. This is the regardless of whether the civilians live in territory controlled by that party or its adversary. According to the International Committee of the Red Cross, "[t]o deprive the civilian population of objects indispensable to its survival usually results in such a population moving elsewhere as it has no other recourse than to flee. Such movements are provoked by the use of starvation, which is in such cases equivalent to the use of force."<sup>9</sup>

Physicians for Human Rights believes that widespread and repeated military attacks on relief convoys that hinder the delivery of food, medical, and other relief aid to threatened civilian populations and, in turn, leads to the slow death of civilians by starvation, exposure, and disease, is just as deplorable as violent death due to torture and extrajudicial executions. Moreover, PHR believes that those responsible for attacks on relief convoys and relief workers should be held accountable to an international tribunal.

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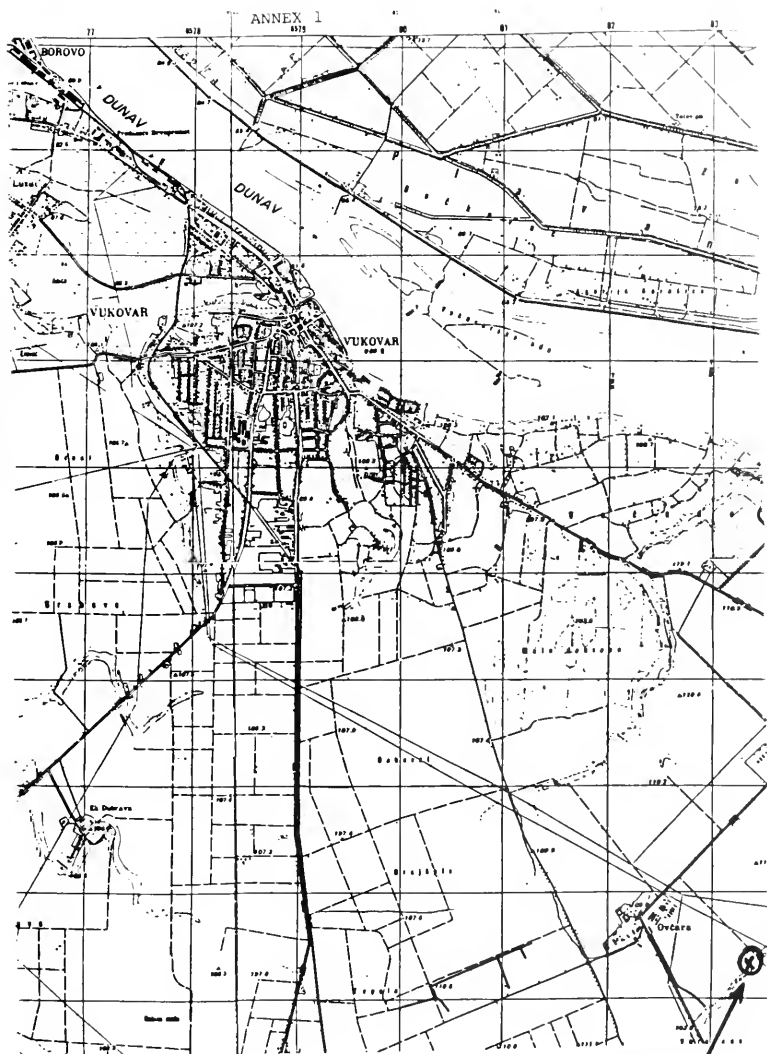
<sup>8</sup>See Charles A. Allen, "Civilian Starvation and Relief During Armed Conflict: The Modern Humanitarian Law," 19 Georgia Journal of International and Comparative Law 1 (1989).

<sup>9</sup>See International Committee of the Red Cross, Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949 (Geneva, 1987), p. 1459.

United Nations Commission of Experts

Physicians for Human Rights is concerned that the U.N. Commission of Experts, often referred to as the war crimes commission, has insufficient staff and resources to fulfill its mission. PHR urges the United Nations and individual governments to provide the commission with financial and logistical support so that it can carry out its mandate in a coordinated and efficient manner.

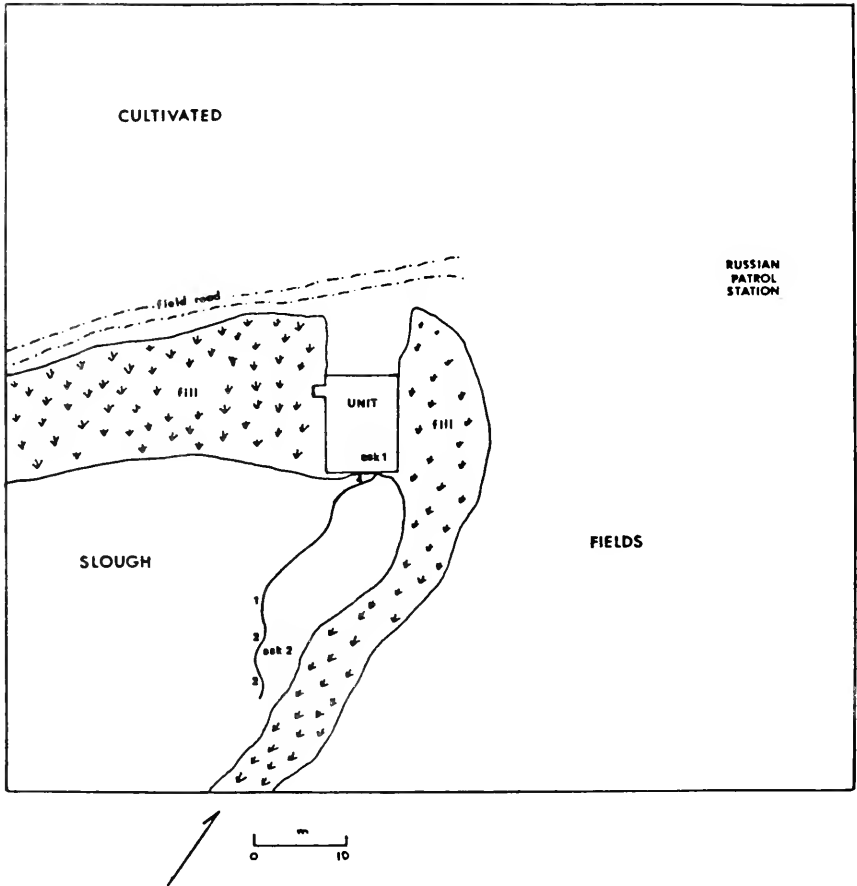


ANNEX 1

Scale: 1/25,000

Gravesite  
(OVC.1)

MAP 2 -- OVC.1 Site Map

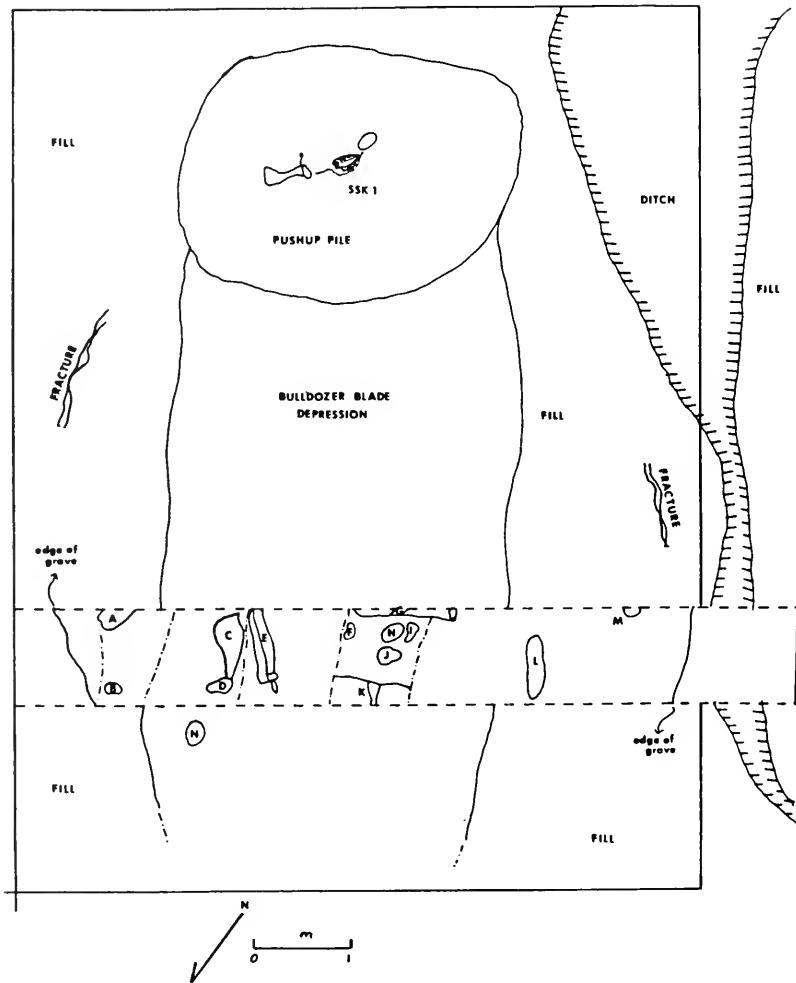


## Map 2. OVC.1 Site Map.

## Key:

1. Left tibia and fibula of SSK 2.
2. Right tibia and fibula of SSK 2.
3. Human ribs and sweatshirt probably belonging to SSK 2.
4. Vehicle chassis with bullet holes.

MAP 3 -- OVC.1 Unit with Test Trench



## Map 3. OVC.1 Unit with Test Trench.

## Key:

- A. Soft tissue, depth .68 meters below ground surface (mbgs).
- B. Clothing, Test Trench Burial 2, depth .72 mbgs.
- C. Possible pants leg, depth .57 mbgs.
- D. Boot or shoe, depth .48 mbgs.
- E. Shirt, with hand exposed, Test Trench Burial 3, depth .22 mbgs.
- F. Clothing, depth .64 mbgs.
- G. Pants leg with sock, Test Trench Burial 4, depth .44 mbgs.
- H. Skin, depth .50 mbgs.
- I. Clothing, depth .50 mbgs.
- J. Cranium, Test Trench Burial 5, depth .58 mbgs.
- K. Sweater, belt, pants, Test Trench Burial 6, depth .74 mbgs.
- L. Clothing, Test Trench Burial 7, depth .37 mbgs.
- M. Sock, Test Trench Burial 8, depth .51 mbgs.

Note: No Test Trench Burial 1 number was assigned. Numbers given are those burials photographed individually. Estimated number of individuals exposed within the trench is nine.

## Physicians for Human Rights

Physicians for Human Rights (PHR) is an organization of physicians and other health professionals that brings the knowledge and skills of the medical sciences to the investigation and prevention of violations of international human rights and humanitarian law.

PHR was founded in 1986 on the premise that human rights violations carry serious and often profound consequences to health. Since protection of the individual from physical and psychological health is intrinsic to medicine, physicians have a unique obligation to investigate, report and prevent human rights abuses with a direct bearing on health. To that end, Physicians for Human Rights works to:

- Apply the special skills of health professionals to stop torture, "disappearances" and political killings by governments and opposition groups;
- Report on conditions and protection of detainees in prisons and refugee camps;
- Investigate the physical and psychological consequences of violations of humanitarian law and medical ethics in internal and international conflicts;
- Defend the right of civilians and combatants to receive medical care during times of war;
- Protect health professionals who are victims of human rights abuses, and
- Prevent physician complicity in torture and other human rights abuses.

Since 1986, PHR has sent over 40 fact-finding and emergency missions to 25 countries. PHR bases its actions on the Universal Declaration of Human Rights and other international human rights and humanitarian agreements. The organization adheres to a policy of strict impartiality and is concerned with the medical consequences of human rights abuses regardless of the ideology of the offending government or group. The President of the Board of Directors is H. Jack Geiger, M.D.; the Vice President is Carola Eisenberg, M.D. Eric Stover is Executive Director; Susannah Sirkin is Deputy Director; Barbara Ayotte is Senior Program Associate, Gina VanderLoop is Development Director and Jonathan Fine, M.D. is Senior Medical Consultant.



**U.S. COMMITTEE  
FOR REFUGEES**

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*Informing the public since 1958*

**STATEMENT OF  
ROGER P. WINTER  
DIRECTOR, U.S. COMMITTEE FOR REFUGEES  
on  
HUMAN RIGHTS AND HUMANITARIAN NEEDS OF  
REFUGEES AND DISPLACED PERSONS  
IN AND OUTSIDE BOSNIA AND HERCEGOVINA  
before the  
U.S. COMMISSION ON SECURITY AND COOPERATION IN EUROPE  
(HELSINKI COMMISSION)  
January 25, 1993**

**USCR is a program of the American Council for Nationalities Service**

Thank you, Mr. Chairman, for the opportunity to present to you today the views of the U.S. Committee for Refugees (USCR), a thirty-five-year-old privately supported refugee rights agency, on the situation in the former Yugoslavia, particularly the republic of Bosnia and Hercegovina.

During the past eighteen months, USCR staff have traveled to five of the six former Yugoslav republics, as well as states bordering the region, to interview refugees and internally displaced civilians. Even now, two USCR staff members are on the ground in Zagreb, Croatia, en route to central Bosnia to investigate conditions faced by displaced civilians in select still-contested regions. Previous interviews with refugees and internally displaced civilians are the basis of two USCR publications: *Yugoslavia Torn Asunder* (February 1992), which relates the stories of Croatian refugees, and *Croatia's Crucible* (October 1992), which describes the precarious state of Bosnian refugees in Croatia, as well as would-be refugees still trapped inside Bosnia. Copies of these reports and related materials have been submitted to you for the record.

Based on our analysis of the humanitarian and human rights situation in the former Yugoslavia, I would like to make the following recommendations today:

**1. The U.S. Committee for Refugees urges the U.S. government to invoke Article VIII of the *Genocide Convention* to call upon the UN to authorize appropriate action "for the prevention and suppression of acts of genocide" currently being committed by Serb militia in Bosnia and Hercegovina.** This is an important step necessary for establishing the moral, legal, and political context for forceful action by the international community, as distinct from its current pattern of dithering and its Chamberlainesque reaction. Invocation of Article VIII has been delayed too long; it was justified months ago by the facts on the ground in Bosnia, which have been widely known, yet not acted upon.

The statement early last week by the State Department that the action in Bosnia of Serb irregulars and their supporters "borders on genocide" in my view more than borders on dereliction of duty. Normal Americans understand very well that genocide is at work. It is time the U.S. government officially used the word, invoked the Convention, and acted accordingly.



2. Specifically we urge as one means of preventing genocide that the UN Security Council declare "safe haven zones" for civilians where they now live in Sarajevo and such central and eastern Bosnian towns as Tuzla, Travnik, Zenica, Visoko, Maglaj, Gorazde, Mostar, Zepa, Srebrenica, and Konjic, and announce that further attacks on civilians in these centers will not be tolerated. It is ludicrous to wait for residents of those cities and towns to be uprooted and, only then, try to find them safe haven. They need to be protected now, *in situ*.
  3. We also call on the United States and other UN members to implement UN Security Council Resolution 770, which authorizes the use of "all measures necessary" to deliver humanitarian relief in Bosnia. The skies over Bosnia and Hercegovina should be cleared of military aircraft, consistent with UN Security Council Resolution 781, to permit air drops of humanitarian aid to besieged areas. Clearly marked UN convoys should immediately be provided with significant air and ground military escort to travel on direct, all-weather roads to deliver relief aid. Any attacks on such convoys should be met with swift and forceful retaliation.
  4. We recommend a comprehensive plan of action to preserve the availability of asylum for those who need it by increasing financial and other support to Croatia, Macedonia, and other states in the immediate vicinity of the conflict to encourage them to keep their borders open for those seeking asylum outside Bosnia and Hercegovina.
  5. As one component of such a plan to preserve the availability of asylum, we urge the United States to make 25,000 resettlement admissions places available immediately for refugees from Bosnia and Hercegovina. Refugees of special humanitarian concern for resettlement under expedited procedures should include former civilian detainees, displaced persons in mixed marriages, and female heads of households, who have lost their homes and whose husbands have been killed. These women are particularly vulnerable to sexual and other forms of abuse.
- Such an approach to resettlement by the United States will not resolve the refugee problem produced by conflict in the former Yugoslavia. It can, however, if properly utilized, help keep asylum viable for all refugees in the region and is *the* appropriate solution for select refugees.
6. We recommend that the Helsinki Commission quickly and certainly not later than the upcoming CSCE meeting on migration, scheduled in April, act to clarify the legal status of Bosnian refugees by recognizing that victims of ethnic cleansing indeed fit the international legal definition of refugees as persons with a "well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion." Most who have fled Bosnia are currently being handled in an ad hoc legal manner; for reasons of expediency, European governments have been calculatingly unwilling to recognize them as refugees under the 1951 *Convention Relating to the Status of Refugees*. This inappropriately places these refugees in a continuing state of uncertainty and vulnerability, treating them as if they are the problem, when in fact the problem is their tormentors.

. . .

In reacting to the tragedy that has unfolded in what was Yugoslavia, the world community

has shown itself at its worst. The European Community has been morally spineless, and even the United States, while certainly more respectable than the EC has been, will not be bathed in glory by those who analyze the history of this period in the Balkans.

I believe that this is an important moment for Congress to demand that the United States and the UN shift from lackadaisical, half-hearted steps focused on treating the wounds of the victims only after they have been victimized to a posture that prevents further victimization and forcefully protects vulnerable civilians.

**Refugees and Displaced Persons** Bosnia and Hercegovina, which had a population of 4.4 million in April 1992, has been devastated by the attacks that followed U.S. and European Community recognition of Bosnian independence. Although exact figures are not available, nearly one-half of all Bosnians -- some two million people -- are believed to have lost or been forced from their homes. This includes about half the entire pre-conflict Muslim population. About 1.1 million have sought refuge outside Bosnia, within former Yugoslavia, in Croatia, Slovenia, Macedonia and Serbia, as well as in other European states, principally Germany, Hungary, Sweden, Austria, and Switzerland. An estimated 810,000 are internally displaced within Bosnia (or refugees from earlier fighting in Croatia who fled to Bosnia), in especially grave danger, bearing the brunt of a harsh winter with inadequate food, clothing, medicine, and shelter, and still at imminent risk of extreme violence. Serbian forces in Bosnia have systematically destroyed the homes of Muslims who were forcibly displaced, making their eventual return all the more difficult and the extent of loss all the greater. Serb civilians from western Hercegovina have also abandoned their homes, some of which, in areas of Croat control, have also been destroyed. Serbs have also fled Sarajevo, fearing reprisals as well as shelling. Some 271,000 persons have fled from Bosnia and Hercegovina to Serbia.

Recent overtures towards the Geneva peace proposals from the self-styled Serbian parliament must be welcomed, but not overly valued. So long as the Serbian siege of Sarajevo continues, actions will speak far louder than words. A real ceasefire must be a precondition for real negotiations. Any autonomy plan must include the right of displaced persons and refugees to return to their homes and/or to be compensated for their losses. Any plan must also include firm guarantees for the protection of minorities and respect for human rights. Without adequate provisions for international enforcement, however, the outlook for successful implementation of a peace plan is dim.

Whatever progress is made at the peace table may take a long time to be felt on the ground. Movement on the diplomatic front should in no way result in a hands off attitude on the part of the international community with regard to ongoing allegations of atrocities and obstruction of humanitarian assistance. Any letting up of pressure would send precisely the wrong signal to those eager to continue their aggression and realize expansionist goals. The international community must attend immediately to the desperate needs of displaced and trapped civilian populations within Bosnia.

**Genocide and "Ethnic Cleansing"** The most striking aspect of the humanitarian side of the conflict in Bosnia and Hercegovina is that **unlike most refugee flows, which are commonly a by-product of war, the creation of civilian refugees in Bosnia is a major goal of the assault.** Serb forces intentionally target civilians for killing, rape, detention, torture, and other abuses. Likewise, Serb militia actively encourage those who survive to flee their home areas. Some have been fortunate enough to gain access to bordering states and thus have become "refugees." Those unable to reach neighboring countries and those refused entry to such countries remain in the limbo of the internally displaced. In either case, one goal of the Serb militia is achieved: ethnic

purity within regions they control. This is what has come to be known as "ethnic cleansing."

USCR staff have documented eye-witness testimony from Bosnians of actions that fit the definition of genocide in the *Genocide Convention*. These include: killing members of a particular group; causing serious bodily or mental harm to members of the group; and deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part. Such testimonies have also been gathered by human rights organizations such as Amnesty International and Helsinki Watch, as well as the UN Human Rights Commission and the U.S. government. Gross abuses of human rights and war crimes in the former Yugoslavia include murder, rape, detention, torture, and summary execution. The State Department's own human rights report for 1992 illustrates the horror:

Civilians were the primary targets of military action, making a mockery of the Geneva Conventions. Accompanying abuses of individuals and groups of non-Serbs took almost every conceivable form of torture, humiliation, and killing. The policy of driving out innocent civilians of a different ethnic or religious group from their homes, so-called ethnic cleansing, was practiced by Serbian forces in Bosnia on a scale that dwarfs anything seen in Europe since Nazi times.

The U.S. Committee for Refugees calls on the United States to request the UN Security Council to authorize multilateral intervention in Bosnia and Hercegovina to prevent and suppress genocide. In our view, such action is not only authorized under the UN *Genocide Convention*, but *required* by Article I of the *Convention*.

The sum of these crimes is such that they should have long ago provoked a forceful, determined response by the international community, acting through the UN, to take action "appropriate for the prevention and suppression of acts of genocide" as provided for under Article VIII of the *Genocide Convention*. To date, no such action has been taken--or, apparently, even contemplated seriously. The U.S. government's failure last summer to invoke the Genocide Convention, resulting in an internal dispute at the State Department, was a serious moral failure

that may well have contributed to the loss of life in Bosnia.

The international community, including the United States, is faced with a stark, moral imperative -- there can be no escaping its logic:

- the preponderance of evidence shows that what is occurring in Bosnia is genocide, as defined by the 1951 Convention on the Prevention and Punishment of the Crime of Genocide.
- when faced with the threat of genocide, there are only three choices, which can be pursued separately or in combination:
  - 1) an outside power or powers can intervene to prevent genocide and protect the threatened victims;
  - 2) the threatened victims can be provided with the means to protect themselves; or
  - 3) the world community can make escape possible by offering refuge to the victims and safe transit out of their life-threatening situation.

As matters stand now, the key governments in Europe and elsewhere in the international community have clearly rejected **all** of the logical choices available, preferring to muddle along with empty rhetoric, avoiding forceful **preventive** action and pacifying their publics' outrage with the smokescreen that they were pursuing an adequate humanitarian response to the victims. It has proven unwilling either to intervene directly to **prevent** genocide or to provide Bosnians with the means to defend themselves.

**Protection in situ** Specifically, we urge as one means of **preventing** genocide that the UN

Security Council declare "safe haven zones" for civilians **where they now live** in Sarajevo and in such central and eastern Bosnian towns as Travnik, Tuzla, Zenica, Visoko, Maglaj, Gorazde, Mostar, Srebrenica, Zepa, and Konjic. To wait until additional displacement occurs is ludicrous. More than 800,000 civilians remain in the major cities still under siege in central and eastern Bosnia. Without a more forceful and determined approach to protecting civilians and delivering humanitarian relief supplies, hundreds of thousands more civilians could die before the winter is over.

USCR can conceive of no effective and timely preventive action that does not involve a significantly strengthened multilateral military action to protect civilians in Bosnia. Multilateral ground forces and air support should be used to ensure the delivery of humanitarian assistance to safe haven zones and the protection of civilian populations at risk in those zones. Until the genocide is stopped, all other humanitarian interventions--while needed--are half-measures, doomed to take effect only after most of the damage is done.

We take no pleasure in advocating the use of force, and would be the first to warn against the dangers of becoming embroiled in a war there. But there are circumstances -- and this is such a case -- where force becomes necessary in the pursuit of humanitarian ends. Genocide is an extraordinary crime requiring an extraordinary response. We cannot sit idly by while a people are destroyed.

USCR does not believe that outside, multilateral force can solve all of Bosnia's problems. Its goal ought to be strictly limited -- to end the immediate threat of genocide and to save the lives of Bosnian civilians. The ultimate political solution in Bosnia, and throughout former Yugoslavia, must be arrived at by the people of the Balkans themselves with the encouragement and support of the international community.

**Humanitarian Intervention** More than 800,000 Bosnians are internally displaced-- forced from their homes, yet still trapped inside Bosnia. More than 100,000 have already died; and hundreds of thousands more could die in the coming weeks as the harsh winter wears people down and delivery of relief aid continues to falter. For many, survival depends on the assistance pipeline, which has operated, at best, in fits and starts. Adults in besieged Sarajevo are estimated, on average, already to have lost 30 percent of their body weight. Food deliveries to Sarajevo are currently averaging 100 tons per day, less than half of the normal requirements. UNICEF has reported that because of funding shortfalls, it no longer has any baby food for distribution in Sarajevo. UNICEF says that children in areas of heaviest attack are already showing signs of acute malnutrition, and that mothers frequently are eating half of what they need in order to make more food available for their children. Conditions are undoubtedly worse in isolated pockets that are completely cut off from contact with the outside world.

Although UN Security Council Resolution 770 calls for "all measures necessary" for humanitarian relief deliveries to reach needy populations in Bosnia, in fact, "all necessary measures" have not been taken. Lack of international support for its life-saving activities has placed the UN High Commissioner for Refugees (UNHCR) in the untenable position of having to beg and bribe Serbian extremists for permission to pass. This has not only seriously compromised the authority of UNHCR in Bosnia, greatly complicating its mission, but has also directly impeded the delivery of life-sustaining goods, in direct violation of UNSC Res. 770. That the international community has watched passively as UNHCR convoys have been shot at, blocked, and otherwise harassed is an unconscionable dereliction of its duty to back up its own Security Council resolution. By reversing Teddy Roosevelt's famous dictum -- by talking loudly and carrying a very small stick -- the international community has substituted impotent hand-wringing for strong and effective measures to counteract the defiance of illegitimate forces

obstructing its work on behalf of this victimized population.

What is needed now more than ever -- especially with recent reports of hundreds of civilian deaths from starvation in eastern Bosnia -- is for the United States and other UN members to implement Security Council Resolution 770, which authorizes the use of "all measures necessary" to deliver humanitarian relief in Bosnia. Clearly marked UN convoys should immediately be provided with significant air and ground military escort to travel on direct, all-weather roads to deliver relief aid. Any attacks on such convoys should be met with swift and forceful retaliation. Also, UN Security Resolution 781, declaring Bosnia a military "no-fly" zone, should be enforced; that should provide the security necessary to organize an airlift to drop supplies to remote, besieged areas until land convoys can safely and regularly reach them.

**First Asylum** Of those who have escaped from Bosnia, many have found temporary refuge in other former Yugoslav republics. Of these, Croatia hosts the largest contingent, officially, some 324,000. However, the true burden on Croatia is even greater. With more than 250,000 Croatsians still internally displaced as a result of earlier fighting in Croatia, the government of Croatia opted, in September 1992, to prevent any new Bosnian refugees from entering Croatia, saying it has reached its capacity, and citing inadequate offers by third countries to provide temporary asylum. With Croatia's borders effectively closed, Bosnians fleeing Serb attacks and deprivations were forced to remain--without the possibility of asylum or protection--within Bosnia, in bombed-out towns still under siege by Serb militia. To date, this remains the case.

Slovenia, which hosts about 50,000 refugees, has also closed its borders to new arrivals who do not have letters guaranteeing their acceptance by third countries. In late November, the Slovenian Ministry of Interior said that between 70 and 150 asylum seekers per day were being turned back.



When large numbers of refugees are forced to flee one country for the safety of another, it is an accepted international practice that the country to which the refugees flee--the country of "first asylum"-- being the country most directly affected by the refugees' arrival, will have its burden shared financially and logistically by other countries outside the region. Croatia, for example, must spend approximately \$2 million each day to care for refugees and displaced persons within its border. Until and unless the financial, and therefore social, burden on Croatia is relieved through substantially increased financial assistance, as well as offers of temporary asylum or permanent resettlement, it can be expected that Croatia will continue to prevent persecuted Bosnians from gaining entry to its territory. For many, this could mean that they will not survive the winter. Such a breakdown in the principle of first asylum not only guarantees an immediate humanitarian disaster, but increases the likelihood that similar breakdowns will occur in the future with frightening consequences for those trying to flee conflicts and persecution for years to come.

**Refugee Status** In Croatia, Slovenia, Hungary, and other border states, Bosnian refugees have no firm legal status as refugees. In these and other European states refugees are being treated on an ad hoc basis, vaguely defined as "externally displaced people" or as having "temporary refugee status," terms that are absent from the 1951 Refugee Convention or other international legal instruments relating to refugees. They are left in an uncertain legal position, needing to worry whether they will be permitted to work or travel or whether permission to stay will suddenly be withdrawn. Reports of *refoulement* from Croatia and Slovenia, the forced repatriation of refugees, which is prohibited by Article 33 of the Refugee Convention, are a matter of grave concern. As a means of encouraging adherence to fundamental principles of refugee protection in Europe, the U.S. Helsinki Commission ought to act as soon as possible to clarify the legal status of Bosnian refugees, not later than at the upcoming CSCE meeting on migration, scheduled for April. The

CSCE should recognize that Bosnian victims of "ethnic cleansing" who have fled or been expelled from Bosnia are classic refugees according to the 1951 Refugee Convention definition, as persons who have fled their country "owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion." The Helsinki Commission should declare that ethnic cleansing is persecution based on religion and nationality, and that its victims ought to be fully protected by the Refugee Convention and other relevant domestic and international laws. Their rights as refugees ought not to be compromised according to the expediencies of governments.

There is particular lack of clarity about legal status for men who have fled former Yugoslavia who are deserters or evading military service. Although deserters and draft evaders are generally not looked upon as refugees, there is a provision of the *UNHCR Handbook on Procedures and Criteria for Determining Refugee Status* which considers them as refugees if the type of military action with which they do not want to be associated is "condemned by the international community as contrary to basic rules of human conduct." Given the building evidence of war crimes being committed by the parties to this conflict, we would urge that this military action be so condemned and that draft evaders and deserters be fully protected.

**Resettlement of Bosnian Refugees** In tandem with stronger measures to save lives inside Bosnia, we call upon the U.S. government to take immediate steps that will encourage Croatia and other states in the area to keep their doors open to fleeing refugees.

Throughout this tragedy, governments in the West have refused to aid directly those being abused and murdered. Likewise, the world has not seen fit to exempt the Bosnian government from the arms embargo in place in the region to allow it to protect its citizens. If we are unwilling to protect Bosnians, and if we are unwilling to permit the Bosnians to protect themselves, we

must, at the very least, work to keep an escape valve open for Bosnians fleeing for their lives. The escape valve, today, is closed, except for a trickle. Concrete steps need to be taken to open the escape valve, notwithstanding simultaneous efforts to protect Bosnian civilians in place so they will not feel the need to flee. Although not the only action that ought to be taken, the United States could play a constructive role in convincing countries of first asylum that they will not be left to bear the burden alone by making immediately available 25,000 resettlement places for refugees from the former Yugoslavia.

Outside governments, including the United States, have said that they are limiting their offers of resettlement so as not to contribute to ethnic cleansing. If such governments are serious about opposing ethnic cleansing, then it is within their power to stop it. If they are not willing to exercise that power, however, it is intolerable that their refusal to take in refugees should be allowed to block the escape of people who have been denied the right to defend themselves. **In our view, this makes such governments complicit in the act of genocide itself.**

Thus far, the U.S. government response has been less than token. For months and months it made not so much as a gesture to signal to our allies that we would be willing to share in the burden by taking in some refugees. Finally, in a belated response to pleas from the UNHCR and the International Committee of the Red Cross (ICRC), our government agreed to take in 300 former detainees and 700 of their family members. The response to the UNHCR/ICRC request was so late that ICRC was forced to suspend releases from detention camps in Bosnia that had been agreed upon by the Serb militia, and the inmates were forced to wait there longer.

The procedures even for the 300 we have agreed to resettle have been unbearably slow and bureaucratic. The State Department has shown itself unable or unwilling to shift gears in a situation that calls for flexibility and creativity, not to mention generosity. The State Department has plenty of excuses for its inaction; some even sound reasonable. But we are well beyond the

point where excuses can be tolerated. There are plenty of refugees who ought to be of "special humanitarian concern" to our government. Rarely has our government shown less interest in identifying such persons and bringing them to safety.

Refugees of special humanitarian concern for resettlement should include not only former civilian detainees, but also uprooted ethnically mixed families, and displaced female heads of households, particularly widows whose husbands have been killed as a result of the conflict.

Our government's inaction not only has hurt refugees themselves who we could have protected, it has given our government no credibility in international meetings to call upon other governments, particularly in Europe, to be more generous. When governments such as France and England have shown an unwillingness to take in even modest numbers of refugees, we have stood with them, creating an imbalance that has added to the burden of those governments, such as Germany, Sweden, Switzerland, Austria, and Hungary, who have been more willing to provide refuge. The leadership exhibited by the United States in Southeast Asia, where we helped forge a "comprehensive plan of action" to maintain first asylum that involved multilayered support for countries in the region through financial support and resettlement offers from outside the region, has been absent in the present crisis.

A targeted resettlement program, as part of a comprehensive solution, should be undertaken now. This in no way should be seen as rewarding the perpetrators of genocide. It is merely a recognition of the plight of those who cannot, under present or reasonably expected circumstances, return home. Therefore, the world must begin to accept the reality of their plight and the need for resettlement.

. . .

Today I am asking the Helsinki Commission to send a clear message to the new Administration and to the world community: The international community must take immediate and extraordinary steps to curb the genocide now occurring in Bosnia and to protect those uprooted people whose lives are at serious risk. If we do not, we send a message to the world on how to handle future refugee emergencies: Keep them out. Push them back, even if the tyrants and thugs that persecuted them are still in power. And we send a message, as well, to other aggressors now watching on the sidelines--of which there is no shortage throughout the world. They will know that they, too, can win, that bigots and despots can get away with mass murder of powerless people in a world where the *Genocide Convention* and other carefully wrought human rights protections once agreed to by virtually the entire world community are only scraps of paper. And then, Mr. Chairman, we all lose.

# **CROATIA'S CRUCIBLE:**

## **PROVIDING ASYLUM FOR REFUGEES FROM BOSNIA AND HERCEGOVINA**



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This report was written by Tom Argent, a research associate with the U.S. Committee for Refugees (USCR). It is based, in part, on a USCR site visit to Bosnia, and Hercegovina, Croatia, Macedonia, and Slovenia in August 1992. It was edited by Virginia Hamilton and produced by Koula Papanicolas.

The U.S. Committee for Refugees operates under a three-part mandate:

- to defend the basic human rights of refugees, most fundamentally, the principle of *nonrefoulement*, no forced return of a person with a well-founded fear of persecution to his or her homeland;
- to defend the rights of asylum seekers to a fair and impartial determination of their status for refugee protection;
- to defend the right of decent and humane treatment for all displaced persons, the uprooted victims of human conflict.

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Cover photo: Three of a group of about 500 Bosnian women and children who arrived by bus in Split, Croatia from Sarajevo. UNHCR/A. Hollmann

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**CONVENTION ON THE  
PREVENTION AND PUNISHMENT  
OF THE CRIME OF GENOCIDE**

1948

**Article I**

*The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.*

**UNIVERSAL DECLARATION OF HUMAN RIGHTS**

1948

**Article 13(2)**

*Everyone has a right to leave any country, including his own, and to return to his country.*

**Article 14(1)**

*Everyone has a right to seek and enjoy in other countries asylum from persecution.*



*Photo: AP*



## CROATIA'S CRUCIBLE: PROVIDING ASYLUM FOR REFUGEES FROM BOSNIA AND HERCEGOVINA

*This report employs the following terms: Croats and Serbs are members of ethnic groups, regardless of the state which they see as their home. Muslim refers primarily to Slavic Muslims. Bosnia generally refers to the state of Bosnia and Hercegovina. Bosnians, Croatsians, and Serbians are nationals of particular states, regardless of ethnic or religious affiliation.*

### I. INTRODUCTION

#### The Pivotal Role of Croatia

Three-quarters of a million Bosnian refugees, fleeing war and "ethnic cleansing" in Bosnia, have sought out Croatia as the first stop in their flight to safety. Military gains by Serb extremists within Bosnia have made the region inland from the Dalmatian coast the only sanctuary Bosnians can reach in Croatia without crossing Serb lines. Because of this, hundreds of thousands of persecuted Bosnians have made their way from contested or hostile regions of Bosnia, through western Hercegovina, and into this region of Croatia. However, the Croatian government has adopted policies and practices that make asylum in Croatia impossible for those Bosnians now attempting to flee.

Continued ethnic cleansing in Bosnia and the brutal winter to come mean even more would-be refugees for Croatia. Croatia's perception of the inadequate support it receives from the international community, as well as Europe's policies regarding entry of Bosnian refugees, makes Croatia feel it is "going it alone," and results in increasingly restrictive policies. Funding shortfalls may make it impossible for the office of the United Nations High Commissioner for Refugees (UNHCR) to fulfill its protection and assistance mandate in Croatia. The UN Consolidated Appeal of September 4, which

covers, in addition to UNHCR, UNICEF, the World Health Organization (WHO), and the World Food Program (WFP), calls for \$434 million "to avert a looming humanitarian disaster." However, as of late September, UNHCR still had a shortfall of \$120 million. The situation in Croatia is at a crossroads: either the international community and organizations responsible for refugee assistance increase significantly their support for refugees in Croatia, or Croatia will likely be faced with the decision of whether or not to adopt even more restrictive practices.

Croatia is preventing refugees from entering the country and has forcibly returned others to Bosnia because it believes it has already reached its capacity in absorbing a massive influx of nearly 340,000 Bosnian refugees (as well as 30,000 non-Serb refugees from the Vojvodina and Kosovo regions of Serbia), in addition to more than 260,000 Croatsians displaced by earlier fighting within Croatia. The arguments given are mostly economic (although there are indisputably political considerations as well). Croatian government officials unfamiliar with principles of refugee protection appear unconvinced of (and at times unconcerned with) the need for asylum. They say only that they want the Bosnians to stop coming, and for those already present to return.

Certainly, the people of Croatia have, quite unselfishly, opened their homes to Bosnian refugees. With Croatia itself feeling the immense burden of accommodating more than a quarter million of its own displaced and homeless people, it is a wonder that so many refugees have been housed for so long. As one grateful refugee told the U.S. Committee for Refugees (USCR), "I can't ask them, 'Give me more food, give me more lodging.'" Likewise, the Croatian treasury has suffered, in part, because of the large number of Bosnian refugees. International assistance has not kept pace with the

### Bosnia and Hercegovina and Neighboring States



large and sudden increase in refugees and displaced persons. The need is staggering, the challenge seems overwhelming. In this respect, Croatia deserves not only the sympathy, but the active support of the international community.

Croatia's warnings about having reached the

limit of its capacity to assist refugees must be taken seriously. As early as July, it dramatically signalled its desperation by sending trainloads of Bosnian refugees to the Slovenian border, urging Italy and Austria to open their borders to allow the refugees to enter. As the refugees waited for days in stalling

heat aboard the stopped trains, an implicit message was sent to Croatia in the form of closed doors in the rest of Europe. The West seemed to be saying, "You're on your own." What happened at Croatia's border represents a fundamental breakdown in the principle of first asylum, a system of burden sharing whereby governments distant from a conflict assist countries in the immediate vicinity to permit them to offer at least temporary asylum to give refugees some immediate escape route when their lives are threatened. Although some European states have subsequently shown a more open attitude, Croatia is still very much a beleaguered front-line state with little support from the rear. If Croatia continues its current course of refusing entry to additional Bosnian refugees, or if Croatia should return them to persecution in Bosnia, the responsibility will be widely shared with an international community that failed to respond adequately.

**What happened at Croatia's border represents a fundamental breakdown in the principle of first asylum.**

This report, based on a USCR site visit to the former Yugoslavia, examines, first, the reasons for refugees and displaced persons from Bosnia. Secondly, it addresses the situation faced by Bosnian refugees in Croatia, as well as Bosnian displaced persons attempting to enter Croatia. Then the report considers the response of other European countries with respect to temporary protection for Bosnian refugees. It concludes that, based on both the international response and Croatia's own political and economic concerns, asylum is in jeopardy in Croatia. In order to turn back the challenges to asylum, the United States, the European Community, and the UN must act rapidly.

Based on USCR's site visit, the report makes the following recommendations: Governments should exercise all necessary measures to stop the war and associated ethnic cleansing. The international community should give generously to prevent the deaths of hundreds of thousands of people during the coming winter, and to assist Croatia in its refugee assistance needs. Countries in Europe and

elsewhere should accept, on a temporary basis, more Bosnian refugees. The Croatian government should stop preventing refugees from entering Croatia. The governments of Croatia and Bosnia and Hercegovina should not proceed with an earlier agreement to return refugees. UNHCR should devote more of its energies to refugee protection, beyond its enormous assistance responsibilities. Finally, European countries, the United States, and other countries capable of resettling Bosnian refugees should identify persons most in need of permanent resettlement.

While implementation of these recommendations will save lives and improve the lot of many refugees, the underlying reality is that unless and until the world community addresses the root cause of displacement in Bosnia, neighboring states will continue to be inundated by people driven from their homes. The human rights violations that continue unchecked in Bosnia are clearly of sufficient magnitude to warrant concerted action by the world community. To date, the world community has not adequately dealt with the persecution being inflicted upon Bosnia's various ethnic and religious groups, persecution that parallels that described by the UN *Genocide Convention*. Without the multilateral action called for by the *Genocide Convention*, there is no reason to believe that the prospects for Bosnians will improve, or that Bosnian refugees in Croatia and elsewhere will have a brighter future.

**The Reasons for Refugees and Displaced Persons from Bosnia and Hercegovina**

According to data collected during the 1991 census of Bosnia, the pre-war population of 4.3 million was 44 percent Muslim, 31 percent Serb, and 17 percent Croat. Other groups comprised the remaining 8 percent. In a February 29, 1992 referendum on independence from Yugoslavia, Bosnia's Muslims and Croats voted decisively for independence, while Serbs, who largely opposed independence, boycotted the vote.

Widespread violence in Bosnia began in April 1992, within days of Bosnia's recognition by the European Community and the United States. Some Bosnian Serbs claim they were dissatisfied with assurances given by the largely Muslim gov-

ernment regarding the rights of Serbs, and felt they were justified in taking up arms to "assure their rights." With indispensable assistance from the Yugoslav National Army (JNA), Serb forces quickly gained control of substantial tracts of Bosnia, including areas in which Serbs had never constituted majorities. Aircraft, tanks, artillery pieces, and 40,000 Bosnian Serbs left behind by the JNA when it withdrew from Bosnia assured continued control of the two-thirds of Bosnia that Serb forces occupied.

The fighting and associated ethnic cleansing in Bosnia now seem so far advanced that the world community as a whole is pessimistic about the prospects for refugees and displaced persons from Bosnia returning home soon -- if at all.

Although most observers agree that all sides in the conflict have committed atrocities, there is a general consensus that the Serb militias of Bosnia, and their irregular Serbian allies, have instigated and carried out most vigorously the policy that has come to be known as ethnic cleansing, the practice of targeting other religious and ethnic groups, primarily Slavic Muslims and Croats, for persecution--killing, expulsion, and imprisonment--in order to rid certain parts of Bosnia of their non-Serb populations. Serb extremists want significant portions of Bosnia to become part of a "Greater Serbia," which would include all areas of the former Yugoslavia with significant or majority Serb populations, together with land links across areas that have not had significant Serb populations.

The Serbs' ethnic cleansing strategies are well documented (see, for example, the UN Commission on Human Rights report on the former Yugoslavia), and include attacking, burning, and destroying the homes of non-Serbs; imprisoning non-Serbs in what some have termed "concentration camps"; forcing non-Serbs to "voluntarily" sign over property to Serbs; depriving non-Serbs of the right to earn an income; confining non-Serbs to their homes or the immediate area surrounding their homes; and, the ultimate solution, outright murdering non-Serbs. As of early October, new reports of ethnic cleansing continued to reach the West.

The goal of Serb extremists seems to be to make the lives of non-Serbs intolerable, so as to eliminate, by terror, murder, starvation, or other means, all those who stand in the way of a Greater Serbia. This systematic eradication of entire Muslim communities was confirmed by the testimony of

Bosnian refugees and displaced persons to USCR staff during the site visit in August 1992. Their testimonies fit the definition of "genocide" in the UN *Genocide Convention*.

According to Article II of the *Genocide Convention*:

*genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:*

- (a) Killing members of the group;*
- (b) Causing serious bodily or mental harm to members of the group;*
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*
- (d) Imposing measures intended to prevent births within the group;*
- (e) Forcibly transferring children of the group to another group.<sup>1</sup>*

USCR heard eye-witness testimony describing acts listed in (a) through (c) above.

## II. CROATIA, REFUGEES, AND DISPLACED PERSONS

### Displaced Croatians

Before refugees began to flee Bosnia, Croatia was already providing shelter and assistance to 260,000 Croatians internally displaced by the fighting between Croatian and Serb forces from June 1991 to January 1992. Many of the displaced are Croats who fled parts of Croatia that came under Serb control, those areas--the United Nations Protected Areas (UNPAs)--now patrolled by the United Nations Protection Forces (UNPROFOR).

As recently as August 1992, USCR interviewed Croatians newly displaced by increased Serb shelling of the Croatian town of Slavonski Brod. One woman, who with her two children fled Slavonski Brod for the safety of Rijeka, told USCR, "I'm only thinking of my children. They haven't been attending school for the last year. Now we are being shelled and shot at by the same army to



*Fighting in Croatia in 1991 displaced hundreds of thousands of Croatians. Today, most remain displaced and homeless. Photo: UNHCR/A. Hollmann*

whom we gave money to build fallout shelters!"

Government responsibility for displaced persons was assumed initially by the Ministry of Work and Social Welfare. In November 1991, however, when the number of displaced persons surpassed 200,000, the government established the Office for Displaced Persons and Refugees (ODPR), directly under the vice prime minister, responsible for directing and coordinating Croatia's program to assist the displaced population.

About 150,000 of the displaced persons are housed in private homes and receive food parcels from various aid organizations. About 115,000 others live in hotels, hostels, school gymnasiums, and barracks. Those in hotels receive small cash allowances from the government to cover food costs. The

strain of providing for these displaced persons was an immense added financial and social burden for Croatia, already reeling under an annual inflation rate of several hundred percent, and coping with the devastation wrought by war and the impact of large areas of its territory being occupied by armed Serbs.

#### **Refugees from Bosnia and Hercegovina**

Into this economic and social upheaval came the refugees from Bosnia and Hercegovina. Within six weeks of the outbreak of fighting, 250,000 Bosnians fled to Croatia. Initially, many, like displaced Croatians before them, were able to find accommodation in the homes of friends, family or, in many cases, complete strangers. However, as the

influx grew larger and larger--and continued for months--it became increasingly difficult for new arrivals to find accommodation in private homes. This was especially true for Bosnian Muslims, who have fewer ties to Croatia than do Bosnian Croats. This necessitated opening more collective centers, whether old barracks, hostels, gymnasiums, or out-right camps. About 55 percent of the 337,000 Bosnian refugees present in late September were accommodated in private homes, with the remainder housed primarily in collective centers or camps. Many of the centers in which refugees came to be housed were not intended for winter occupation. Such facilities now urgently require rehabilitation in order to be habitable during the winter.

By mid-July, when more than 300,000 Bosnians had already entered Croatia, the government decided that it could no longer permit new arrivals to enter its territory. Publicly, the government's rationale was the financial burden of caring for Bosnian refugees and its own displaced population, which it estimated at \$2 million per day in June. There were, however, other considerations.

Many Croats with whom USCR spoke said that Bosnia's Muslims were "running away from the fight" necessary to stop Serb aggression. Croatia sees its political goals as best served by Bosnia's Muslims and Croats "standing and fighting." The Croatian government views any action that would weaken Serbs in Bosnia, occupied Croatia, or even in Serbia as beneficial and desirable. As Adalbert Rebic, head of ODPB, told USCR, "If all people leave Bosnia and Hercegovina, then who will fight the enemy?" Clearly, Croatia prefers that Bosnia's Muslims fight the enemy, rather than flee. It sees a Bosnian who stands and fights the Serbs as, one way or another, benefiting Croatia; a Bosnian who enters Croatia as a refugee, on the other hand, represents a greater burden, ultimately perceived as weakening Croatia's ability to defend itself.

Whatever the impetus, the Croatian government announced it would permit only those refugees possessing a "letter of guarantee," essentially a financial sponsorship, to enter Croatia. In the letter, sponsors (individuals or organizations) were required to indicate that they would provide for all of the refugee's needs while the refugee remained in Croatia. For several weeks following the

government's announcement, the policy was not universally enforced. USCR met individuals and families who entered Croatia, without possessing such letters, well after mid-July (see box on page 15). However, by early August it was clear that Croatian authorities at the border were admitting few persons without such letters. (Croatia later announced that no Bosnian refugees would be permitted to seek protection in Croatia.) Whether seen as an honest statement on the impact of the economic situation, or as a cynical ploy to extract further financial aid from European governments and to force Bosnians to fight their war, Croatia's decision to close its borders had the same impact in either case: thousands of persecuted, harassed, and traumatized Bosnians were re-victimized by being stranded at the Croatian border.

### Those Trapped on the Border

USCR visited the border region of southern Bosnia and western Hercegovina (inland from Split) during the period August 8-12. During the first day on the border, USCR found several busses, dirty and damaged (one with bullet holes), in the town of Posusje. When asked why they were loitering around a bus, its occupants related their harrowing tale: They were Muslims from the Tuzla area of Bosnia. After enduring for months the tactics employed by armed Serbs, they decided they could no longer risk staying in their homes. They had departed, several days before, in two busses. As they traveled through Serb-controlled areas, the busses were fired on. One bus was destroyed, the other damaged. After three days on the road, they finally reached the Croatian border, only to be informed by Croatian authorities that they could not enter without a letter of guarantee. Most of the bus's fifty or so occupants were women, children, or elderly.

The long conflict in Bosnia meant that accommodation in private homes or hotels was no longer possible; they had been filled for months by 3,500 people who fled Serb-controlled areas in April or May. At one of the local schools in Posusje, the Red Cross had set up shop. The new arrivals, most of whom were refused entry by Croatian authorities at the border, had either to remain in the trucks and busses in which they arrived, or go to the schoolyard. The school itself was already filled.

### Sarina's Story

Sarina (left-center of photo) and her two sons are among the eight displaced persons taken into the home of Emina (back row, left) in southern Bosnia. Sarina told USCR how her family became victims of ethnic cleansing:

*"We left July 21 after our house was attacked. We were taken to the concentration camp at Trnopolje. All types of people were in that camp: elderly, young, women, men. Then they put us in these big trucks; we could hardly breathe. They brought us near the front lines at Travnik. After that, they allowed us to walk the 12 miles down to the Croatian lines. But one-half hour after they let us go, they started to shoot grenades at us. We found some Croats in a small village, and they told us how to avoid the mines on the main road. There was one birth on that truck, and that woman had to walk those 12 miles.*

*"There were no arms in our village. The attack was July 20. They entered the village and killed a lot of men. Some of the men were taken to another camp. For about twenty of the men there was no place for them in the camps—so they were taken back to the village and killed. Twice they took my 14 year-old son to shoot him—but I had German marks, so I was able to pay for his life. We were a rich family, but nothing is left now.*

*"I saw people killed. I saw eight 15 year-old kids killed in front of me. My son was not killed because I could pay them. Then they forced women to remove the bodies and wash the concrete because they didn't want the blood to be seen. They said, 'Take the garbage to the garbage.' My son doesn't speak at all anymore.*

*"Even before, there were a lot of Serbian forces around. Once I was alone in the house with only my children at 11 pm. Someone knocked at the door. Then they broke the door and came in. They were trying to find my husband to kill him. They beat me and pushed me across the room. They took the money and gold. My husband knew: he was on the list for killing [because he was a Muslim and worked for the police]. I don't know the names of the people, but I know their faces; they were from neighboring villages — acquaintances of my husband. I remember making coffee for them. I'm not sure what it is all about—they just want to cut the whole country down.*

*"My husband was in the police, I worked in a factory. A lot of work, a lot of wealth. Get up at four in the morning*



Photo: USCR/T. Argent

*to milk the cow, then go to work. That was everyday's job. What to do next—I just don't know. I can't even tell which school my kids will attend. The family we are staying with gives us food—but how long can we stay like that? I feel so good here with these people: I feel like we're among relatives—but it's the first time I've ever seen them.*

*"I get used to everything, but there is one thing I cannot understand: how those people are doing things like this. I saw a five year-old child killed while begging for his life! Nobody who had a university degree, nobody who had a high position, and nobody who was rich survived. It was enough to wear anything green [a Muslim color] to be mistreated. My husband had a chance to see those lists [death lists]; his name and my son's were on it. So he went to another village to live under another name—but everybody in that area knew him. He just couldn't hide. I feel sorry that I at least couldn't go to find his body, to bury him at least."*

After reaching the border, Sarina and her two children tried to enter Croatia, but were refused entry by the Croatian authorities because they did not possess a "letter of guarantee."

with classrooms housing up to thirty persons each. Many of the new arrivals preferred to sleep outdoors, rather than in crowded hallways.

Because the school had no cooking facilities, a local baker had agreed to bake bread for the displaced persons using flour brought to the site by the Red Cross. With no running water (Posusje has had water rationing for more than ten years), the school was visited each day by a water truck provided by local authorities. Pit latrines had been dug behind the school to keep sanitary conditions from deteriorating.

**...thousands of persecuted,  
harassed, and traumatized  
Bosnians were re-victimized by  
being stranded at the  
Croatian border.**

According to the Posusje Red Cross, 200 people were arriving each day, most of whom came from the Croatian border after having been refused entry. Although many of the people trapped at the border were optimistic about the prospects for arranging letters of guarantee, many others were completely despondent, seeing no opportunity for receiving such letters. The vast majority of displaced persons USCR met in Posusje had no homes to return to, and no place to stay, either in what remains of Bosnia, or in Posusje.

In Tomislavgrad (formerly Duvno), a town 35 km from the border, officials of the Red Cross and *Merhamet*, a Muslim relief organization, told USCR of traffic headed in both directions, toward Croatia as well as back into Bosnia. "A lot of convoys pass through from Croatia every day. In the last 15 days, an average of 80-90 people returned from Croatia have come to ask for help. They are going back to Bosnia to places they started from," said Hamid Begic of *Merhamet*. It was unclear whether some of those headed back to Bosnia had been expelled by Croatia, but undoubtedly most had at least been refused entry.

Local aid officials expressed dismay at the plight of those caught between a home that no longer exists, and a country that does not want them. In the words of Begic, "They are angry because they feel they were forced out by terror--and now they can't get into

Croatia--so their only choice is to return."

But not all Bosnians see Croatia's border closure as an evil act. Said Branimir Musa of *Caritas*, "You can sometimes find a bus with a hundred people at the door, trying to pass through to Croatia. What they [Croatsians] did is more than was expected. All of Mostar is now on the coast in Dalmatia. To be housed in a tourist area--it's more than could be expected."

According to Adela Skaro, director of the Tomislavgrad Red Cross, in the three weeks following Croatia's announced border closing, some 12,000 women and children, traveling in both directions, passed through the Red Cross feeding center. It is likely that thousands more, especially Muslims, never stopped at the Red Cross center. Like Posusje, Tomislavgrad has a "resident" displaced population of about 3,500. But because Tomislavgrad is essentially in the war zone (exploding grenades were audible during USCR's visit), few of those arriving now stay more than a day or two. Perhaps because of this, the scene at the Posusje schoolyard was not repeated in Tomislavgrad.

That thousands of Bosnians are still attempting to flee the madness of Bosnia for the safety of Croatia evidences the continuing persecution in Bosnia. In the weeks and months to come, many thousands more will undoubtedly continue to seek protection in Croatia. With their homes destroyed or occupied, their jobs taken from them, and their families separated through death or imprisonment, Bosnia's displaced have little choice. Croatia provides the only immediate hope. The levels of assistance and protection available in Croatia far exceed that in Bosnia. If Bosnians are someday to return to their home areas, their only realistic hope is to gain entry to Croatia, if only for the winter.

#### **Assistance to Refugees in Croatia**

ODPR updates daily the number of Bosnian refugees in Croatia. According to these statistics, there were 337,000 Bosnian refugees in Croatia as of September 21. Just over 20 percent of the refugees in Croatia are in the capital, Zagreb. When USCR visited Zagreb, it did not appear "overrun" with refugees. Given that a majority are living in private



### Local Heroes

Throughout the ordeal that has become Bosnia and Hercegovina, two groups of people have born the lion's share of providing assistance to refugees and displaced persons: host families and volunteers with organizations like the Red Cross, *Merhamet*, and *Caritas*. Zrinka Maras (at left in photo) is a 20 year-old Red Cross volunteer in Posusje, Bosnia and Hercegovina.

Due to its proximity to the Croatian border, Posusje received thousands of displaced persons attempting to cross into Croatia. By early August, most were being refused entry. One of the services provided by the Posusje Red Cross was use of its fax machine for receiving the "letters of guarantee" then required by the Croatian government. When USCR traveled to Posusje, there were 2,000 persons camped out at the local school, and Zrinka Maras assisting them. Zrinka is one of six young volunteers (the other five are male militia members) at the center.

Zrinka told USCR, "When the war started I was just another volunteer--keeping an eye on things. The boss liked the way I worked and asked if I wanted to work fulltime. The professional workers are older and they tend to lose patience. Nobody [displaced persons] came here because he wanted it, and so there is a need for someone to help them. I think 'What would happen if I became a refugee?'"

"The last month after the closing of the border has been bad. When I am awake I stay here; When I can't stay on my feet, I go home. Some of my friends tell me I neglect my private life--but I don't care. Some mornings I wake up and think, 'Today I'll stay in bed.' But then I think, 'Oh, what's happening here? Let's go see.' But it's interesting. So many different people: good ones and honest ones and nasty ones."

Zrinka is a student in Zagreb, and hopes to complete her examinations there in the fall. When USCR asked if she intends to work with the Red Cross in Zagreb, she replied, "If I can get a fax from Croatia allowing me to enter."



Photo: USCR/T. Argent

homes, it is not surprising that few are immediately visible. However, during visits to mosques, churches, schools, and other social centers, USCR found up to several hundred refugees living in a single building.

In Croatia, the focus of food assistance is on keeping as many refugees as possible, for as long a time as possible, in private homes. At a minimum, it is hoped that refugees can remain where they are through the coming winter. According to Hans Baechli, the International Federation of Red Cross

and Red Crescent Societies' (IFRC) Head of Delegation in Zagreb, 85,000 families, including Bosnian refugees and displaced Croats, receive Red Cross food assistance. IFRC also provides assistance to persons in hotels, hostels, and barracks for those items, primarily hygienic supplies, not adequately provided by either the Croatian or donor governments. In the coming winter, IFRC expects to provide clothing and blankets as well.

According to Croatian Red Cross officials, family parcels provided by UNHCR meet only 20-30

percent of needs. UNHCR parcels are supplemented, with supplies donated by Red Cross societies in other parts of Europe, to bring the parcels up to 30 kg each. According to both Croatian Red Cross and IFRC officials, it is becoming more and more apparent that soon the Red Cross may need to assist not only refugees and displaced persons, but Croatians who find themselves in increasingly dire straits because of the worsening economic climate. A backlash of sorts is developing among Croatia's growing number of unemployed and economically disadvantaged, who resent the assistance they see directed to Bosnian refugees, while they receive little support. Although no one with whom USCR spoke indicated that the problem was at present serious, the fact that it was mentioned at all indicates that it is seen as a potentially complicating factor.

**In Croatia, the focus of food assistance is on keeping as many refugees as possible, for as long a time as possible, in private homes.**

Local Red Cross branches, of which there are more than 100, receive deliveries from regional warehouses in Zagreb, Split, Osijek, and Rijeka. The increasing economic strain in Croatia is taking its toll on the Red Cross delivery system. Officials with the Croatian Red Cross in Zagreb told USCR they have a difficult time delivering parcels to outlying regions using only volunteer drivers and private vehicles. The strain of many months of service has caused some volunteers to cut back on food deliveries. They said that if trucks were available for distributing parcels from the regional warehouses, the Red Cross would be able to work more easily, with less volunteer fatigue. Likewise, IFRC staff said they may need to provide fuel to overburdened local branches.

### Winter Shelter in Croatia

According to the Croatian government, *without further arrivals*, there already exists a winterized hous-

ing shortage for at least 70,000 refugees and displaced persons in Croatia. In an accommodation study released July 20, UNHCR recommended a minimum planning figure of 100,000 for winter housing needs. This figure applies both to a "continuing need for emergency response (tents)" and "renovation/refurbishment of existing structures."<sup>2</sup> In the study, UNHCR clearly stated its preference in housing: "The option of renovation/rehabilitation is the most cost effective and efficient solution, and we urge the international community to support these projects." In a cost estimate of housing needs, UNHCR calculated that a camp comprised of prefabricated units for 5,000 people would cost a total of \$5 million, or \$1,000 per person, and that renovation of existing structures would cost, on average, \$300 per person.

When it became apparent that winter housing would likely be a problem, the Croatian government undertook an inventory of existing structures that could, with modification, house refugees and displaced persons through the winter. The International Rescue Committee (IRC) has been involved in assessing the government studies, and is a chief proponent of rehabilitation, as opposed to new construction.

Apart from the UNHCR proposals, the Croatian government was also pursuing its own strategy for housing displaced Croatians. It advocated building permanent housing for displaced Croatians, with the rationale that centers now occupied by displaced Croatians could be used for the less permanent Bosnian refugee population. One of the Croatian government's goals is to re-populate with ethnic Croats areas from which Croatians fled during the war with Serb forces. However, few Croats want to return to areas still under Serb control. As a result, the Croatian government hopes to re-populate the heavily damaged areas still under Croatian government control.

As an incentive for people to return to such areas, the government sought to arrange for housing. It approached donor governments, who offered to sponsor construction of specific developments or camps. The German government, in particular, announced that it would contribute 50 million German marks for constructing permanent housing for 20,000 persons. The housing would be of largely prefabricated units brought from Germany. The Croatian government wanted the units placed in



Bosnian refugees who could not find accommodation in private homes are housed in gymnasiums, hostels, barracks, and camps. Photo: UNHCR/A. Hollmann

Slavonia, that region of Croatia located between Bosnia and Hungary, and suggested two possible sites, one of which is still within artillery range of Serb positions. Although the question of just who would occupy the units -- Bosnian refugees or displaced Croatians -- was not publicly addressed, all understood that the housing was intended primarily for displaced Croatians.

However, after much discussion of the issue, the idea of large-scale new construction occurring before winter has largely disappeared. Donor governments found progress difficult in working with a chronically understaffed ODPR. By August, after several months of discussion, no new winterized housing had as yet been built. Winter was approaching, and there was still a housing shortage. Because IRC had already developed connections with ODPR and other government branches, it was

better suited to approaching the government on the housing question than were individual donor governments. Recognizing this, several donor governments turned to IRC to coordinate a task force, comprising donor governments, UNHCR, and ODPR, to attack the housing issue. By the end of August, a general consensus was reached that rehabilitation was the best approach to the housing question. Any further debate on the subject was ruled moot by Croatia's September announcement that "construction of refugee centers will not be allowed in the territory of the Republic of Croatia."<sup>1</sup>

Reportedly, the Croatian government still wants 5,000 prefabricated units (perhaps those rumored to have already been built in Germany) to place throughout Slavonia for use by its own displaced population. The government is also promoting a "materials credit bank" that would bring building materials

into villages and extend credit to homeowners (or former homeowners) for reconstruction. (This option may be attractive to donors because it would allow them to contribute building materials that could be purchased within their own countries.)

**Despite warnings that have been sounded for months, the winterized housing shortage in Croatia has not eased in the slightest.**

However, despite the detailed studies undertaken on the rehabilitation issue, and despite warnings that have been sounded for months regarding the prospects for refugees and displaced persons during the approaching winter, the winterized housing shortage in Croatia has not eased in the slightest. The lag time in producing substantive results on the housing issue in Croatia gives the appearance that, due to the desperate nature of the situation in Bosnia, problems of assistance in Croatia are being put off somewhat. Unfortunately, this could have dire consequences for refugee protection. If the Croatian government sees itself as alone in assisting refugees from Bosnia, it may feel that the world community would not object to its relieving its refugee problem by returning refugees, forcibly or otherwise, to Bosnia.

#### **Croatian Government Policies**

Since its mid-July decision to close its border, Croatia has refused entry to uncounted thousands of Bosnians. The overwhelming majority are women, children, and elderly--persons not generally thought of as prospective combatants. Just as those who came before them, these people saw their friends, family, and neighbors killed, imprisoned, and driven out because of their ethnicity or religion. The 2,000 people USCR found sleeping in the schoolyard in Posusje, nearly all of whom were denied protection by Croatia, had nowhere else to turn in their escape from persecution.

ODPR officials emphatically told USCR that the border was not, in fact, closed--that if the international community agreed to give sufficient financial support, Bosnian refugees could enter. ODPR officials spoke primarily in terms of economics, and did not indicate that they viewed asylum as a right of Bosnians. Unlike Slovenia, Croatia has acceded to neither the 1951 UN Convention nor the 1967 Protocol relating to the status of refugees. (The former Yugoslavia was signatory to both.) The Croatian position further hardened with the September announcement that only refugees in transit would be permitted to enter Croatia. The announcement stated:

*The transit of refugees from [Bosnia and Hercegovina] will be permitted only in exceptional cases when the United Nations High Commissioner for Refugees arranges their accommodation in other European countries. This implies that refugees will be permitted to cross the territory of Croatia without stopping. No guarantee letters will be taken into consideration either.<sup>4</sup>*

As with other former Yugoslav republics, there is little outward democratic tradition or visible concern for individual rights in Croatia. Compounding this is that Croatia sees itself as still at war with Serb forces. (Indeed, Serb forces in Bosnia still shell across the Sava River into Croatia, and significant portions of Croatia remain occupied.) Croatia's roads and cities are filled with uniformed men. Some are regular forces, either police or army, while others are members of militias fighting in Bosnia. Still others are simply caught up in the war hysteria and wear camouflage as a sign of support for Croatia. The sum of Croatia's concerns relates to its preoccupation with the war and the economic crisis, perhaps preventing Croatian officials from speaking in terms of refugee rights.

Just as it excludes would-be refugees, Croatia has forcibly returned refugees. There have been both mass returns (of thousands of Bosnian men considered by Croatia to be deserters from the Bosnian government army) as well as returns of individuals. Many sources, including local Red Cross authorities, staff of international organizations, and even ODPR officials, told USCR of such involuntary returns. All sources verified that the government has rounded-up draft-age men and returned them to Bosnia. In July, officials arrested several hundred such men in Rijeka and returned

In Posusje, Bosnians fortunate enough to have received letters of guarantee gather around a bus bound for Zagreb. Those without the required letter were forced to remain behind. In September, the Croatian government instituted a new policy under which no Bosnians are permitted to seek protection in Croatia. USCR/Tom Argent



them to Bosnia via the port of Split.

In Rijeka, USCR learned that many males no longer registered with the branch of ODPR responsible for maintaining refugee records. Commonly, in the case of families, wives and children registered, in order to receive food assistance, but adult males did not, fearing that they would, if registered, eventually be arrested and returned to Bosnia.

According to an official with a respected international humanitarian organization in Split, women, too, have been forcibly returned. When questioned by USCR about such reports, Mr. Rebic, ODPR's head, replied, "We bring back only the young people who want to go back and those who are really not resisting our attempts. We are not applying force at the moment."

When confronted with the specific case of two sisters, ages 20 and 21, both of whom were recognized by ODPR as refugees, but were arrested by police in Rijeka and put on a ship bound for Split, Rebic stated, "It can happen; police throughout the world are all the same. It can happen in the United States, in England. If the police get some orders, they will follow them. If we receive complaints of this kind, we try to solve them. In peacetime this issue would receive much more at-

tention--but we are at war. But this is not a *policy* [emphasis added] which is being applied."

Given the numerous cases of forced return of refugees (*refoulement*), the agreement, announced on July 21, between Croatia and Bosnia regarding the return of refugees, is indicative of the Croatian government's intent vis-à-vis continued protection of refugees in Croatia. A combination of economic concerns and political objectives makes the return of refugees to Bosnia a goal of both governments. The lack of a strong human rights tradition in the region should give pause to the international community whenever the question of refugee returns is broached by either government.

The bilateral agreement defines the categories of refugees who should return to Bosnia: men from 18 to 60 years of age, and women from 18 to 55 years of age, provided they do not have children under the age of 14. As proposed in the agreement, the Bosnian government would delineate areas it considers "safe", and therefore suitable for receiving returning refugees. However, the agreement does not specify how refugees would be returned.

During one of USCR's meetings with ODPR's head, he outlined a scenario regarding the return of refugees: When the new Bosnian embassy opens in

## A FATHER'S CHOICE

N. \_\_\_ is a teacher from outside Sarajevo. He and his wife and two children crossed the border from Posusje on August 1, ahead of strict adherence to the "letter of guarantee" policy.

"I crossed the border luckily. I had a very bad car. There were four kids in the car: 3 months to 7 years of age. Before leaving, I had to get permission to leave my home area. HVO [Croatian Defense Council—the Croat army in Bosnia] gave me permission. I didn't dare go through the mountainous areas on my own — that's why I waited for a convoy. Convoys were leaving that day; anyone who wanted to leave, could. After the 1st of August, it is only women and children who can get permission.

"I sent my wife with my sister to go by foot to the border. I was left with the car and four children alone. And as I approached the border, the Croatian border patrol saw my children crying and asking for water. The guard saw my children and let me in. Croatia accepted a lot of refugees; Croatia has helped a lot of Muslims.

"As I lived in the beginning under their [Serbian and Montenegrin forces] occupation, [I saw] they had weaponry. The JNA [Yugoslav National Army] was supplying — before the war — weaponry to the area, and distributing it to the area. Whoever didn't want to accept the weapons had to leave. Some were sent to the front to dig trenches. Most of the parents of these people [resisters] had been anti-fascists during World War II. I have colleagues — Serbs — who are like semi-brothers to me. But they had no choice; they had to do what they were told.

"They were bringing people in fuel tanks to my village. Then they took them to the hills and killed them. From my wife's side, fifty were killed on a bus — only eight survived. Usually they are picking up the more prominent people — the richer people — people who had German marks, gold — in order to steal it and take it back to Montenegro. When they [armed Montenegrins and Serbians] came to the town, all people fled — Serbs, Croats, Muslims — when they saw these people.

"We were given only fifty meters from home that we could move. If we went farther, someone would kill us. We didn't have any means of communication. Telephones have been cut. We had no means of knowing what was going on only 100 meters from our homes. They took away from us our ordinary hunting weapons. Those who refused were killed.

"The Muslims had to leave the area. I left the house. Also my father was driven out of his house. The house is destroyed; my father's flat is occupied. They only give food to Serbians. Usually, at the head of the authorities are people who are very right-wing. Many Serbs don't want to drive other ethnic groups away from their homes, so they too can get killed. My heart is connected with my country. I want to live with all the people of my country. But the reality today is different. All of us have to fight the Serbs because they want all of it [Bosnia] to become part of theirs.

"Today I heard that the Red Cross is sending people to Austria, and I registered my family for that. The Austrian government said they would be permitted to stay for only one month. My family is without refugee status because of the law [the agreement between Croatia and Bosnia and Herzegovina]. From my town I left with the help of my neighbor. He had a car—and he is a Serb. I have to go back. I must be in my area to keep my area from the Serbs—with a pistol."

USCR interviewed this man on August 6 at a Red Cross hostel in Rijeka, Croatia. On August 8, his wife and two children were to leave for Austria. On August 9, he was returning to Bosnia.



Photo: USCR/T. Argent

Zagreb, there would be further cooperation between the two governments on the issue. The likely course is that the Bosnian government would declare which regions are "safe" to return to, and the Croatian government would be responsible for identifying refugees meeting the age criteria who come from these "safe" regions. These refugees would then be required to return.

Publicly, neither government has disclosed what the response would be if refugees refuse, for whatever reason, to return to regions declared "safe" by Bosnia. According to Rebic, "We don't want to do it on our own. In talking with Bosnian officials, we want this process to be legal--to Croatia, to Bosnia, to international conventions."

In mid-August, another 200 Bosnian men were returned, this time from Karlovac. Following this well-publicized incident, international organizations vigorously protested to the Croatian government. Apparently because of this intervention, the Croatian government announced it would no longer return draft-age men to Bosnia. However, this announcement by central authorities does not preclude the possibility that local authorities, acting on their own or without meaningful scrutiny from Zagreb, may continue to return those persons they feel should not be accorded refugee status in Croatia. Nor does the newest stated position preclude the possibility that the two governments, acting within their perception of a "safe areas" concept, would move ahead on the July 21 agreement.

Whatever the status of the forcible return of refugees from Croatia, it is clear that, given the unrelenting persecution taking place in Bosnia, more Bosnians will attempt to flee in the coming months. The number of people still in Bosnia who would, *if given the opportunity*, flee to safety in Croatia or other European countries is variously estimated at from 100,000 to 400,000. Whether they will be permitted to enter Croatia and the rest of Europe remains to be seen.

### III. TEMPORARY PROTECTION, SAFE AREAS, AND "PREVENTIVE PROTECTION"

#### Temporary Protection

During the earlier crisis in Croatia, UNHCR advocated temporary protection for Croatian refugees.

#### UNHCR ESTIMATES OF REFUGEES FROM THE FORMER YUGOSLAVIA

<u>Present Location</u>	<u>Number of Refugees</u>
Bosnia and Hercegovina	93,000
Croatia	367,644
Macedonia	31,300
Montenegro	60,221
Serbia	416,502
Slovenia	70,000
(9/21/92) Subtotal:	1,038,667
Austria	57,500
Belgium	1,800
Czechoslovakia	4,000
Denmark	1,795
Finland	1,892
France	1,108
Germany	220,000
Greece	7
Hungary	50,000
Ireland	10
Iceland	13
Italy	17,000
Luxembourg	1,200
Netherlands	6,300
Norway	2,617
Poland	1,500
Spain	120
Sweden	47,600
Switzerland	70,450
Turkey	15,000
United Kingdom	2,000
Others	30,000
(8/20/92) Subtotal:	531,912
Total:	1,570,579

#### Internally Displaced

In Bosnia	588,000
In Croatia	350,247 *
<b>GRAND TOTAL</b>	<b>2,508,826</b>

\* Includes 87,000 in UN Protected Areas.

Some asylum countries made special arrangements, outside the normal legal channels, for Croatians

fleeing the war area. These included "visa free" periods for countries that otherwise would have required visas for "ex-Yugoslavs" and, in the case of Switzerland, "provisional admission," a temporary protection status, for certain asylum seekers. Sweden, Hungary, and Germany, in particular, admitted, officially or unofficially, tens of thousands of Croats fleeing the war zone. However, few other Western countries admitted significant numbers of refugees. Furthermore, when it became apparent that the crisis in the former Yugoslavia would grow in both proportion and duration, many European countries introduced new visa requirements for ex-Yugoslavs.

One country's introduction of such requirements led to the next introducing similar requirements. Germany's visa requirements for Bosnians led Austria to introduce similar requirements. When Hungary indicated that it might accept no more refugees from Bosnia, Croatia and Slovenia stiffened their entry policies. The general pattern was one of potential asylum countries closing their doors, followed by countries that might otherwise have been used by refugees only in transit, doing the same. Countries to the north tried to keep refugees in the first asylum states of the south, while first asylum countries in the south attempted to push refugees who had already entered to the north. However, by July, as Bosnians already in western Europe told of the true horrors of the situation in Bosnia and Hercegovina, Europe relaxed somewhat its stricter entry policies.

Although most European countries require visas for Bosnian nationals (some countries, including Belgium, Finland, Luxembourg, and the Netherlands, have, as recently as July, instituted new visa requirements), many are willing to permit entry of persons from Bosnia as part of a mass influx searching for temporary protection, rather than as individuals in search of permanent asylum. In a September 9, 1992 letter to USCR, the Belgian Ambassador to the United States stated that Bosnians in Belgium will be permitted to remain and seek employment, but that "In most cases asylum does not apply: Bosnian nationals in Belgium are displaced persons rather than refugees."<sup>5</sup>

Although visa restrictions existed for Bosnians attempting to enter Germany, Germany eased those restrictions in July. Some countries, such as Norway and Sweden, are keeping Bosnians out of the formal asylum process. Others, such as

Denmark, prefer not to act on the asylum application, and thus permit Bosnians to enter and remain by default or, as with Belgium, to reject a first application and postpone any re-examination, thus allowing a Bosnian already in the country to stay.

According to UNHCR statistics of August 20 (see table, page 16), more than 530,000 refugees from the former Yugoslavia are in European countries outside the former Yugoslavia. The greatest number, an estimated 220,000, are in Germany. (It should be noted that a significant portion of these 220,000 are probably not from Bosnia, and are more likely ethnic Albanians from Kosovo or elsewhere.) However, in spite of somewhat relaxed entry requirements, only seven countries outside the former Yugoslavia -- Austria, Germany, Hungary, Italy, Sweden, Switzerland, and Turkey -- have permitted to enter, formally or informally, more than 10,000 refugees from the former Yugoslavia. The remainder of Western Europe, including Belgium, Denmark, Finland, France, Greece, Ireland, Luxembourg, the Netherlands, Norway, Spain, and the United Kingdom, have permitted entry of a total of only 17,000 refugees from the former Yugoslavia--only one-twentieth the number of refugees in Croatia.

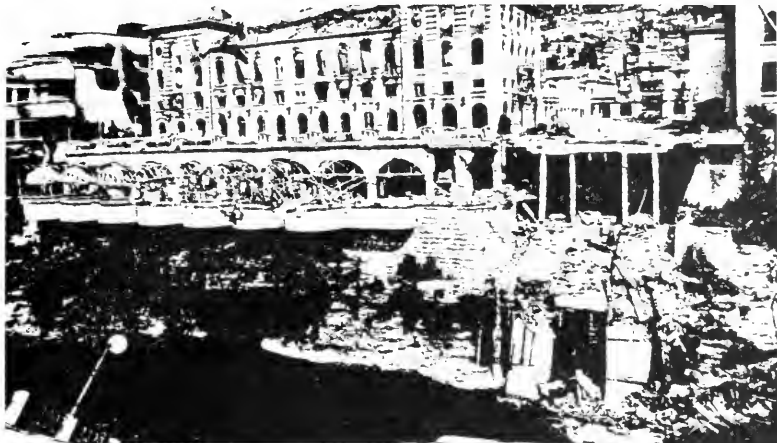
Although Western Europe never completely closed its borders, it has not completely opened them either. The pendulum that earlier had swung against new arrivals seems to have retreated somewhat, although how far its momentum will carry it remains to be seen. UNHCR protection personnel argue for an approach that calls on Croatia to keep its borders open, even for those refugees who will probably never receive temporary protection outside the immediate region, and Western Europe to permit entry of greater numbers of refugees. This is part of the UNHCR strategy for ensuring first asylum in Croatia and other states contiguous to Bosnia.

In the republics of the former Yugoslavia, UNHCR statistics of September 21 (see table, page 16) indicate that more than one million people have sought refuge, with Serbia hosting the greatest number -- some 416,000 mostly Serb refugees.

### "Safe Areas" and New Entries

At the July 29 International Meeting on Humanitarian Aid to the Victims of the Conflict in the Former Yugoslavia, Slovenia, which itself hosts 69,000





*The city of Mostar, long home to Muslims, Croats, and Serbs, was damaged, first by fighting, and then by sabotage from retreating Serb forces. The old city (pictured), where most of Mostar's Muslims lived, was rendered completely uninhabitable. Mostar is one of the proposed "safe areas" in Bosnia. USCR/T. Argent*

refugees from Bosnia, publicly floated a proposal, which it said was supported by the Bosnian government, regarding return of refugees to Bosnia. The statement, distributed under the title *Proposals Concerning the Measures for Voluntary Return Home of the Displaced Persons and Refugees from Bosnia and Hercegovina*, proposed creating four "safety zones" within Bosnia. The zones, which Slovenia suggested should be centered around Bihac, Tuzla/Zenica, Sarajevo, and Mostar, would "facilitate the provision of humanitarian assistance to the needy...." The Slovenian statement declared, "The basic task ahead and the principal solutions of the problem are to promote the voluntary return home of displaced persons and to take humanitarian measures to avert new flows of refugees and displaced persons from Bosnia and Hercegovina."<sup>6</sup> European governments warmly greeted the proposal as a way of keeping refugees and displaced persons as near as possible to areas of origin, and therefore out of potential asylum countries.

The political opening for current and potential asylum countries provided by the "safe areas" proposal should be seen within the broader context of new refugee arrivals in Western Europe. Although European countries had relaxed their practices regarding entry of refugees from Bosnia, creation of safe areas in Bosnia would remove the need for Europe to permit anyone to enter. Early European enthusiasm for safe areas was based on this largely unspoken, but widely understood, precept.

In addition to its impact on asylum in Western Europe, the safe areas concept, if instituted, would fulfill certain political goals of several of the former republics of Yugoslavia. For the government of Bosnia, the desire is to regain control of areas lost in combat and to reinforce areas that it still controls. By keeping its citizens inside Bosnia, the government hopes both to increase the number of persons under arms opposing Serb aggression, and to keep the Bosnian economy alive by keeping productive Bosnians in Bosnia. This theme continues

in the Bosnian government's practices regarding travel restrictions on Bosnians and its agreement with Croatia regarding repatriation of refugees.

For Slovenia, support for the safe areas concept rests largely on its desire to prevent more Bosnians from entering. This was most vividly evidenced by its refusal in July to admit thousands of Bosnian refugees placed on trains to Slovenia by the Croatian government. According to UNHCR, in addition to the registered Bosnian refugee population of 69,000, more than 200,000 other Bosnians are living temporarily, most as guest workers, in Slovenia. As with the other former republics, Slovenia is increasingly concerned by the impact of refugees on the economy.

Croatia's support for creation of safe areas in Bosnia stems from its desire to prevent new refugee arrivals, to return to Bosnia those refugees already present, and to strengthen in any way possible those groups in Bosnia opposing Serb control.

The other major factor that led so many in the international community to view safe areas as desirable is the notion that by creating safe areas the world would somehow be opposing ethnic cleansing: if Bosnians were to stay in Bosnia, then ethnic cleansing would not occur. This view, however, completely ignores the probable reality of any safe areas arrangement: each ethnic group would simply have its own safe area. Serbs would remain in Serb-controlled areas; Croats would likely seek protection in Croat-controlled western Hercegovina; Muslims would remain in either the Bihac or Sarajevo areas. Rather than *prevent* ethnic cleansing, safe areas would both reinforce it and hasten the break-up (cantonment) of Bosnia and Hercegovina into discrete ethnic or religious enclaves.

While initially supportive of the safe areas concept, most Western governments now seem to view the idea as, although still desirable, presently unworkable, the largest single obstacle being the massive military commitment likely necessary to implement it. This military component, which is likewise required, but on a lesser scale, for establishing the "humanitarian corridors" through which UNHCR hopes to deliver to Bosnia greater quantities of assistance, has given pause to governments and UNHCR, but been called for loudly by Bosnia's Muslims. However, neither Western Europe nor the United States has shown any willingness to commit

their forces on the scale necessary to establish truly safe areas.

The August 13 UN Security Council Resolution on "all necessary means" to ensure delivery of humanitarian assistance within Bosnia permitted, even in the absence of a safe area, establishing a protected one-way corridor to deliver aid to unsafe regions to prevent the outward flow of refugees. Foreseeing such humanitarian corridors, acting U.S. Secretary of State Lawrence S. Eagleburger, in his August 26 address to the London Conference, referred to the need to "funnel humanitarian assistance to hundreds of thousands more who are besieged inside Bosnia, so that they do not become the next wave of refugees."<sup>7</sup> However, Eagleburger referred to this need within the context of "opening safe corridors," and not safe *areas*. Safe areas would, in order to facilitate refugee return, be located in non-Serb-controlled regions--the Bihac area and western Hercegovina, for example. However, there are other regions in Bosnia to which humanitarian corridors could lead.

### "Preventive Protection"

UNHCR, too, has expressed the desire that Bosnians be permitted to remain in Bosnia. UNHCR's strategy in achieving this goal is the concept of "preventive protection." As outlined in UNHCR documents relating to the former Yugoslavia, preventive protection includes "monitoring of the treatment of ethnic minority groups, mediation between parties, exposure of the practice of forced relocation, and other measures to improve respect for human rights and humanitarian law."<sup>8</sup> UNHCR emphasizes that preventive protection "should not prejudice the right to seek asylum." This is in clear contrast to safe areas as established in Iraq, which effectively prevented Iraqi Kurds from crossing into Turkey and seeking asylum there. In the case of Bosnia, preventive protection is being pursued, largely, in areas under Serb control--areas from which people cannot flee anyway unless Serb authorities permit.

On several occasions, Serb authorities have presented lists of persons, primarily Muslims who "want" to leave their home areas, to UNHCR. According to these authorities, the safety of non-Serbs cannot be guaranteed in Serb-controlled regions.

UNHCR, having been badly compromised in just such a situation involving the "evacuation" of 8,000 Muslims and Croats from Bosanski Novi in July, is determined not to be blackmailed again in such a way. The UN Commission on Human Rights' Special Rapporteur wrote in August, "In spite of the high level of commitment of the United Nations personnel--UNPROFOR and UNHCR--they are unable adequately to protect the affected population and in many circumstances are helpless to prevent violations of human rights."<sup>9</sup> In an attempt to monitor the situation, UNHCR is posting personnel in Field Liaison Offices in Bosnia. In this way, UNHCR hopes to slow ethnic cleansing. UNHCR's emphasis on preventive protection is criticized by some because it appears that other approaches, including third country resettlement or multinational intervention, have not been fully explored. Others say, too, that UNHCR is promising a product it cannot deliver--that the delay in international involvement in Bosnia has made it all but impossible for

such relatively small actions to head off what can only be prevented by more massive intervention.

The view expressed by some staff of assistance organizations in Zagreb is that, even though the "playing field" is tilted, at least the direction in which it tilts is known. From this perspective, any change in the military situation, a movement of front lines for example, could render groundwork on assistance in Bosnia obsolete. Because of this, and because of fear for the safety of assistance personnel in Bosnia should outside military intervention occur, some influential staff in Zagreb are vehemently anti-intervention, with respect to outside forces. They hope for stable front lines, a mild winter, and potential refugees to remain in home areas. However, given the current situation, it would seem unlikely that any of these will occur, or that UNHCR and other organizations will be able to provide enough support, either psychological or material, to create conditions that might allow non-Serbs to remain in their homes.

**The United States, the European Community, and the UN have failed to effectively confront the humanitarian fallout of Serb nationalism gone wild. It is axiomatic that such failure leads to a massive body count.**

## IV. CONCLUSIONS AND RECOMMENDATIONS

The title of this paper is *Croatia's Crucible*. Its specific focus is on that troubled country's treatment of Bosnian refugees. But future generations who read the history of the immediate post-Cold War era will know that not only Croatia faced a severe test. The humanitarian crisis in Bosnia and Hercegovina (and in Somalia, as well) is a crucible for the world community.

What is painfully clear is that we--the United States, the European Community, and the United Nations--are failing the first watershed humanitarian test of the post-Cold War era. Iraq, because of its strategic implications, was not such a case. Those being victimized in Bosnia are uprooted people without strategic value and the sometime protection that geopolitics once bestowed on others. The United States, the European Community, and the UN have failed to effectively confront the humanitarian fallout of Serb nationalism gone wild. It is axiomatic that such failure leads to a massive body count.

"What then shall we do?", asked Tolstoy, when faced with such madness. The recommendations below are premised on one basic moral obligation: The international community must take immediate and extraordinary steps to curb the aggression and to protect those whose lives are at serious risk, or other aggressors now watching on the sidelines will know that they too can win: that despots can get away with the murder of the powerless in a world where the *Genocide Convention* and other carefully wrought human rights protections once agreed to by virtually the entire world community are only scraps of paper. And then, we all lose.

The U.S. Committee for Refugees recommends that the following steps be taken immediately:

**1. As is their responsibility under Article I of the *Genocide Convention*, and as they are enabled by Article VIII, the United States and other UN members should, acting through the**

**UN, take whatever immediate action is necessary to end the "ethnic cleansing" that is taking place in Bosnia and Hercegovina.**

What the U.S. Committee for Refugees and other human rights organizations have learned in interviews with refugees from Bosnia and Hercegovina is that "ethnic cleansing" essentially fits the definition of "genocide" in the *UN Genocide Convention*. Killing members of a national, ethnic, or religious group, causing serious bodily harm to them, or deliberately inflicting conditions intended to destroy them in whole or in part is now happening to the Muslim residents of Bosnia and Hercegovina. The United States and other signatory nations have an obligation to take action "appropriate for the *prevention and suppression* [emphasis added] of acts of genocide." These are strong, clear words. To their shame, the United States government and the rest of the international community have tragically failed their obligation to this mandate.

**2. The United States, Europe, Japan, and the oil-rich states should immediately contribute sufficient funds to prevent the deaths of hundreds of thousands of Bosnians from starvation and exposure in the coming winter. Likewise, increased assistance should be directed to Croatia and other first-asylum states to ensure the right to asylum.**

Snow is already falling in Bosnia's mountains. The Sarajevo airlift, often interrupted, will never be sufficient to supply even that city's needs. Heating plants in large cities are inoperable. There are few space heaters and no fuel. Displaced people in Bosnia have little or no winter clothing. Windows have been blown out of buildings. Conservative estimates predict 150,000 people will die if the international community continues its current inadequate levels of support. Other experts predict that as many as 400,000 could die.

The UN Consolidated Appeal of September 4,

which covers only "life-threatening priority needs," calls for \$434 million to "avert a looming humanitarian disaster this winter." Total needs for the next seven months are estimated at more than \$1 billion. UNHCR alone faces a shortfall of \$120 million. Without adequate funding, UNHCR, ICRC, WFP, and WHO cannot fulfill their assistance and protection responsibilities; they can only do what donor governments enable them to do.

**3. Until and unless the world community tackles the root cause of displacement in Bosnia, would-be refugees seeking to flee genocidal conditions should not be prevented from doing so. Countries in Europe and elsewhere should expand provision of protection for refugees from Bosnia.**

For politicians in Geneva, Washington, London, or Zagreb—who have failed to get at the root causes of flight or establish truly protected corridors for delivering food and medicine into Bosnia—to then attempt to prevent refugee flight is as cynical as it is heartless, and is in direct contravention of the *Universal Declaration of Human Rights*, under which every person has the right to choose to leave his or her country and to seek asylum from persecution outside that country.

The brunt of providing temporary protection has so far fallen on the former republics of Yugoslavia and a relatively few Western European countries. Most European states have permitted distressingly few Bosnian refugees to enter. To ensure the right to asylum in Croatia and other former Yugoslav republics, Western European countries must open their borders to significant numbers of refugees. UNHCR has already set up a small unit in Zagreb that is identifying and assisting former Bosnian detainees and their families in moving to third countries. UNHCR has appealed for governments outside the region to accept former detainees for temporary protection. The United States and other countries should respond positively to this appeal.

The United States and other countries capable of resettling Bosnian refugees should begin to identify persons who will not likely be able to return to their home areas, even if a political settlement is reached. Resettling persons who cannot return is *not* support for ethnic cleansing. It is simply recognition of the special needs of certain groups. The most obvious category of such persons is those in mixed marriages, and the children of such marriages.

**4. Croatia should once again offer asylum to refugees seeking protection, and should not involuntarily return those already within its borders, as it has done in the past. The governments of Croatia and Bosnia and Herzegovina should not proceed with their July 21 agreement regarding return of refugees to Bosnia.**

Croatia has implemented increasingly restrictive policies with respect to would-be refugees. As of September 21, no Bosnian refugee is permitted to seek asylum in Croatia. The situation in Bosnia, both in terms of security and provision of humanitarian assistance, is too desperate to deny the right of persecuted Bosnians to seek protection outside their country. Likewise, it is unconscionable to force Bosnian refugees to return to Bosnia while the persecution they fled continues to be inflicted upon others there. Although the Croatian government has stated it will not return refugees to Bosnia without first consulting UNHCR, assurances of the Croatian government have proven insufficient to prevent local authorities from continuing the unacceptable practices of the past.

**5. UNHCR should devote more of its energies in Croatia to protection of refugees. NGOs should continue to offer to provide personnel to UNHCR for protection and logistics responsibilities.**

Understandably, because of massive humanitarian assistance needs in Bosnia, much of UNHCR's focus in the former Yugoslavia to date

has been on relief assistance. However, protection of refugees in the former Yugoslavia is in need of much more attention than it has received. In Rijeka, Split, on the Bosnian border, and elsewhere, staff of international organizations told USCR of lapses in refugee protection that were apparently unknown to UNHCR. Funding and staffing shortages make it difficult for UNHCR to fulfill its mandate in the former Yugoslavia. If UNHCR is to be successful in setting up its Field Liaison Offices in Bosnia, it will need further resources, both human and financial, from NGOs

and donor governments. But even this network will be inadequate unless UNHCR institutionally, and with strong support from major governments, is able to focus more adequately on refugee protection.

• • •

These recommendations, if heeded, will not fully turn back the clock on what has already transpired. However, they can perhaps assist those in immediate, desperate need, and contribute to deterring those who would create future Bosnias.

## NOTES

<sup>1</sup> UN General Assembly Resolution 260 A (III) of 9 December 1948, *Convention on the Prevention and Punishment of the Crime of Genocide*.

<sup>2</sup> UNHCR, *Refugees from Bosnia and Hercegovina: Accommodation in Croatia*, 20 July 1992.

<sup>3</sup> Republic Of Croatia, Ministry of Information, Press Release No. 319, September 21, 1992.

<sup>4</sup> Ibid.

<sup>5</sup> Embassy of Belgium, Washington, DC, letter to USCR, September 9, 1992.

<sup>6</sup> Republic of Slovenia, Ministry of Foreign Affairs, *Proposals Concerning the Measures for Voluntary Return Home of the Displaced Persons and Refugees from Bosnia and Hercegovina*, statement circulated in Geneva, July 29, 1992.

<sup>7</sup> U.S. Department of State, *Intervention by Acting Secretary of State Lawrence S. Eagleburger at the London Conference*, August 26, 1992.

<sup>8</sup> UNHCR, *A Comprehensive Response to the Humanitarian Crisis in the Former Yugoslavia*, HCR/IMFY/1992/2, 24 July 1992.

<sup>9</sup> UN Economic and Social Council, *Report on the Situation of Human Rights in the Territory of the Former Yugoslavia*, E/CN.4/1992/S-1/9, 28 August 1992.

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I S S U E P A P E R

# YUGOSLAVIA TORN ASUNDER:

LESSONS FOR PROTECTING REFUGEES FROM CIVIL WAR



U.S. COMMITTEE FOR REFUGEES

FEBRUARY 1992



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This paper was written by Bill Frellick, a senior policy analyst with the U.S. Committee for Refugees (USCR). It is based, in part, on a USCR site visit to Austria, Hungary, Italy, Serbia, and Slovenia in October 1991. It was edited by Virginia Hamilton and produced by Koula Papanicolas.

The U.S. Committee for Refugees operates under a three-part mandate:

- to defend the basic human rights of refugees, most fundamentally, the principle of *nonrefoulement*, no forced return of a person with a well-founded fear of persecution to his or her homeland;
- to defend the rights of asylum seekers to a fair and impartial determination of their status for refugee protection;
- to defend the right of decent and humane treatment for all displaced persons, the uprooted victims of human conflict.

The U.S. Committee for Refugees receives no government funding. USCR is grateful for the important support it receives from the Ford Foundation, the Pew Charitable Trusts, the John D. and Catherine T. MacArthur Foundation, the Joyce Mertz-Gilmore Foundation, and the John Merck Fund. USCR is also grateful to many individual contributors.

Cover photo: A Muslim resident of Vinkovci, in eastern Croatia, leads his grandson from their home, which was destroyed by shellfire. AFP/Paul Jenks

## **YUGOSLAVIA TORN ASUNDER: LESSONS FOR PROTECTING REFUGEES FROM CIVIL WAR**

Civil wars are often termed "fratricidal". But the impact of the word--the murder of one's brother--and the depth of emotion and pain that it evokes become truly wrenching when walking among the survivors--refugees from that particularly vicious form of warfare.

Yugoslavia in 1991 was a picture of fratricide in action. Unlike the New World Order warfare of the Gulf War earlier in the year, these were not anonymous deaths, where buttons were pushed from a distance and the fatalities were not even counted, much less named. In Yugoslavia, it was political murder--personalized, the perpetrator and the victim neighbors with many shared ties not only of culture and language, but of friendship, even family.

The first half of this paper tells the story of this civil war from the point of view of the people--Croats, Serbs, and ethnic Hungarians--who have borne its brunt--the refugees in the midst of the fighting. As these words are being written, the military and political landscape is changing rapidly. At the moment, December 1991, the violence is escalating even beyond what was seen during a U.S. Committee for Refugees site visit to the region in October, but, if the most hopeful scenarios come to pass, a peace agreement could be forged even before this goes to press.

Because the situation is fluid and moving so quickly, this paper will pay less attention to the ebb and flow of displaced people currently taking place or to the political and military developments being covered in the daily news that have immediate impact on their lives. It will seek rather to do two things: first, to convey what it is to be a victim of such a war; then, in the second half, to reflect on nascent nationalism as the new, and fast-growing

cause of European refugees in the post-Cold War era, and on the preparedness of Europe to rethink its terms of reference for "the refugee problem." This study seeks ways to address more directly and effectively this new cause of refugee flight in Europe and thereby find solutions that will truly allow refugees to regain their security and resume their lives.

Although the case is of Yugoslavia, this is not likely to remain as the only European state to be consumed by full-scale civil war and to turn its former citizens into refugees. The passions that lay dormant in Yugoslavia are awakening throughout Europe and much of the rest of the world, as well. The world today looks at what once was Yugoslavia and recoils in horror at the unbridled hatred and the violence that have been unleashed. Perhaps learning more about the lives thrown into confusion and homelessness will have a cautionary effect elsewhere and deter others from stepping over the brink. But if such civil wars are to proliferate, a closer look at this first one might help us to find ways to begin piecing back together shattered lives and broken dreams.

### **Dimensions of Displacement**

Refugees from this conflict--at this writing, 557,000 and rising inside the boundaries of what has been Yugoslavia and 58,000 who have fled to Hungary, Austria, and Italy--speak almost in unison about going home. But when pressed, these same refugees acknowledge that there may be nothing to go home to.

Refugee emergencies are tracked not only by the number of persons displaced, but by the rate at which they become displaced. The faster and larger

## YUGOSLAVIA IN TRANSITION



the movement, the more difficult it becomes to provide adequate assistance and protection. In this case, the pace of homelessness has been staggering. The appeals have hardly kept pace with the numbers. The International Committee of the Red

Cross (ICRC) launched its first appeal for 90,000 displaced persons in the Yugoslav civil war on August 23, 1991, a figure that shocked the international community because it doubled the number of displaced people from earlier that same month.

By the time of the USCR site visit in October, the number of internally displaced had exceeded 300,000, and the first tens of thousands had already crossed into Hungary. At the time of the USCR visit, the most hopeful aspect of the situation was the way in which host communities on all sides of the conflict were responding to the refugees. Well less than 10 percent of the refugees and displaced persons at that time were housed in public accommodations. The overwhelming majority were being cared for in private homes. This solidarity and genuine hospitality were truly remarkable. Although both Yugoslavia and Hungary have, until quite recently, been State-run economies in which the private sector—including voluntary charitable organizations—have been nearly absent, private response to the tens of thousands of refugees who had fled with little more than the clothes on their backs has been immediate and generous.

In many cases, this represented the support of personal friends and family. Most of the people fleeing dangerous areas have had relatives and close friends outside immediate conflict areas. Also, because of the nationalist nature of the conflict, others have been willing to open their homes at least in part as an expression of national and ethnic solidarity. Therefore it comes as no surprise that the largest numbers of internally displaced persons have gravitated from areas that had been mixed populations of Serbs and Croats to areas where their own ethnic group is more homogeneous. More than 300,000 displaced Croats—representing 55 percent of the total displaced population—have moved into solidly Croatian areas. The same picture emerges on the Serbian side, where 134,000 displaced Serbs have moved into Serbia, of whom 81,000 are in central Serbia, mostly in the Belgrade area. In fact, visits to the places that normally accommodate people in refugee emergencies—schools, churches, tourist hotels—were largely empty of refugees in and around Belgrade at the time of the USCR visit, when some 50,000 displaced persons had been registered as residing in the area.

It should also be noted that even in places where ethnic and nationalist solidarity was not such a factor—in Slovenia and Hungary—private support for the displaced was evident and an important reason why the burden of caring for this sudden and mass influx was not a complete disaster.

Refugee camps generally ought to be

avoided. They have a way of making the refugees' condition more permanent, more dependent, and more hopeless. The Palestinian refugee camps are the model of how not to deal with a refugee situation. They are a recipe for stagnation, frustration, and failure. Therefore, the development of alternative means of keeping people out of camps—allowing them to keep their options open, making it more likely for them either to return to their homes or to lead productive lives that might quickly lead to their integration in the region—is in the interests not only of the refugees from the Yugoslav conflict, but might serve as a model for future refugee emergencies.

**...the development of alternative means of keeping people out of camps...is in the interests not only of the refugees from the Yugoslav conflict, but might serve as a model for future refugee emergencies.**

Maintaining this remarkable personal hospitality will be one of the greatest challenges the longer the conflict drags on, the larger the number of displaced persons in need of assistance grows, and the more crippled the economies of the area become.

With this in mind, it appears that the rate of arrival, the sheer numbers, and the duration of homelessness—six months for some at this writing—have already begun to erode the ability of local communities to sustain the displaced populations. Already at the time of the USCR visit, the first signs of this erosion could be seen. The first refugees were arriving in public accommodations after staying for a period of time with private families who could no longer support them. Estimates from sources in Yugoslavia in December suggested that the number of displaced persons being housed in public accommodations had grown to as high as 40 percent.

### **Voices from the Inferno**

In addition to meeting with various governmental and private officials involved in refugee as-

### **The Interview Sample Profile**

In several respects, the USCR interview sample reflects the circumstances of the displaced population taken as a whole; in other respects, however, they are different. First, 29 out of 59 were interviewed in Hungary and 11—or 19 percent—were ethnic Hungarians, a larger percentage than in the displaced population as a whole. Second, because all of those interviewed were found in public accommodations at a time when the vast majority were privately housed, it could be inferred that this sample was more destitute, and perhaps had suffered greater losses than others who were displaced at that point in time. The percentage of elderly and handicapped among the camp population appears to be larger than among the displaced population generally. Third, the majority of the sample came from smaller towns and villages, in part because places such as Vukovar and Dubrovnik were under siege and many of the persons who would swell the ranks of the displaced in November were still trapped in their homes and unable to escape in October. Fourth, USCR did not travel inside Croatia where the majority of the displaced are located, since rail and air links were closed and the roads were insecure. Fifth, the sample of Serbs was small because of the near absence of public accommodations for them in the vicinity of Belgrade. Sixth, although children comprise a large segment of the displaced population, only two adolescents were interviewed, chosen because they appeared more articulate than their peers. In other respects, the sample group seemed similar to the larger population. Females comprised 71 percent of the interview sample; the female composition of the displaced population within Yugoslavia is estimated at 67 percent. Within Hungary, the population of adult women among the displaced is estimated to be twice as large as that of adult men and in Serbia women represent 58 percent of registered displaced persons. Husbands, sons, and fathers were overwhelmingly engaged in fighting. In only

two cases were intact families encountered in the refugee camps, and in both instances the husbands were briefly visiting and said that they would soon be returning to fight.

The interview sample was 25 percent elderly (i.e., age 60 and older), whereas the percentage of elderly among displaced in Yugoslavia is estimated at 10 to 15 percent and among refugees in Hungary at 9 percent. But the percentage of children and teens among the displaced in Hungary (estimated at about 30 percent) and in Yugoslavia (estimated as high as 50 percent) indicates that the percentage of elderly among the adult population is more comparable to the sample group.

With the exception of the coastal area south of Split and from north-central Croatia, from which forced movement had been insignificant as of October, refugees were interviewed from all parts of Croatia that were producing refugees. Refugees from the heavily conflicted area bordering Serbia in Croatia's east, including the cities of Vukovar, Vinkovci, Osijek, and continuing along the Drava River to the Hungarian border represented 61 percent of those interviewed. Another 20 percent originated in the central part of Croatia in a triangle that would be created from Karlovac in the west to Zagreb in the north and Novska in the west, with the border between Croatia and Bosnia-Herzegovina making up the southern line of that triangle. The remaining 19 percent of those interviewed originated from the coastal region stretching from Rijeka to Sibenik and including Zadar.

The refugees came from all walks of life. Although a quarter of the total described themselves as retired or unemployed (in some cases as a result of disabilities) and another quarter described themselves as homemakers, the breakdown of those describing jobs that suggested a socio-economic profile was an almost even split in thirds among farmers, factory workers, and skilled and professional workers.

sistance, USCR visited 10 sites housing refugees and displaced persons in and around Yugoslavia and conducted 59 in depth interviews with refugees

chosen at random from those places.

Half of those interviewed had left their homes after September 20. Some had arrived in



A six-year-old boy sits amid the debris after sustained shelling in Dubrovnik hit the hotel where he was staying with about 1,300 other displaced persons, who had fled fighting elsewhere in Croatia. AP

camps only a day or two before being interviewed. However, the experiences described by those who left earlier in the conflict were generally as severe as those recounted by recent arrivals.

Among the Croats and ethnic Hungarians, 61 percent said they had directly experienced shelling. One of the refugees lived near a federal army base and witnessed the use of tanks shelling civilian areas. Nearly everyone said they had spent a period of days or weeks in the basements of their homes or apartment buildings prior to fleeing. Because they spent extended periods of time crouched in basements, most of the accounts were based on what they could hear (shooting, explosions) rather than what was seen. Many of the basements were described as dank and cold with a lack of water and electricity. Many mothers spoke of the effect of the shelling on their children. Children were frightened and had trouble sleeping. These problems were continuing in the refugee camps, and several moth-

ers commented that they were administering sedatives to their children to help them sleep. In answering a question about conditions at the Zbirni refugee center in Slovenia, the response of a 31-year-old Croatian woman from Osijek suggests the psychological trauma of both women and children separated from husbands and fathers:

*There is no problem here. They have fruit, fruit for the children. But it is terrible for me. I have left everything at home. My four-year-old child keeps asking me, "Where's Daddy? Where's Grandma? Where are my friends?" I can't explain to him. I can't explain to my child. I can't live without my husband. I think about him all the time. I want to join him.*

Half of the Croats and ethnic Hungarians said they heard shooting at some point in the time before they fled. One refugee, a furniture maker

from the Petarda village in the Baranja region about 3 kms. from the Hungarian border, said that a week earlier he could hear shooting. He recounted:

*I saw men walk up to the windows of houses and shoot inside. The Chetniks [the term Croats and Hungarians used to describe Serbian guerrilla forces] were shooting with rifles and automatic weapons. It was not the army, but the army helped them. I saw people injured and killed. Those who were doing the attacking covered their faces because they knew survivors would recognize them. They were local Serbs, people we know. These used to be our friends. We grew up together as playmates. I never want to see them again. I cannot understand how people who were our friends could do these horrible things. Everything fell apart in one week. Even some Serbs were killed by the Chetniks, massacred by Serbs. In the village lived Serbs who were beaten too. No difference. The whole village was attacked.*

A refugee from another part of Croatia, the Uncani village in the Banija region near Dvor along the border between Croatia and Bosnia-Herzegovina, spoke about the combination of mortar and gunfire during some of the attacks, as well as the targeting of Croats in villages with mixed populations:

*Where we live now is part of the Serbian-declared autonomous region. It's a predominantly Croatian village, but from our house to the outside are the Serbian houses. Generally the Croats live in the middle of the village, the Serbs, on the outskirts of town.*

*Three days before we left [she left on June 29], the first massacre at the villages of Struga and Zamaca happened nearby. The terrorists attacked and slaughtered.*

*There was an attack. It started about 10:30 am. With small hand-held mortars that you throw a grenade into and it fires out, they attacked along that area. We could have been killed in our house because the mortars were so close. There was strafing on the roof and the walls of our home by snipers. We were hiding behind the cupboard, behind the stove. The place was surrounded. We heard our roof tiles*

*breaking. My mother, though, who is 80 years old and deaf, couldn't hear anything. I told her not to go out, but you couldn't actually see the soldiers. We heard later that they passed along the next street. It was impossible to leave.*

*The federal army arrived the same day about 6:00 pm. Three of us remained in the house. All the other houses had been deserted. Our house was the only Croatian home. The other houses were Serbian. The terrorists didn't attack the Serbian homes. Our house was the first to come under fire, but not the first house on the road. You come into the village and pass other houses before coming to ours. But they didn't attack the other houses.*

*Once the army came, we could flee. After the army came, the shooting stopped.... They told us if we wanted they would give us safe passage to Kostajnica. We took a tractor. We had to put my mother in a small cage used for transporting cattle. The cage was pulled along by the tractor. It was very small, hardly enough for one person. The army wouldn't wait for anyone. In all, seven villages were evacuated at this time. A few invalids, such as my aunt, were too sick to be moved.*

Attacks were not limited to the ground. Of the ethnic Croatian refugees, 32 percent said that they had either seen, or felt and heard, the impact of bombing or strafing by airplanes. Bombing was more often reported from refugees originating in cities, such as Vukovar, Karlovac, Novska, and Zadar. The scenes of most intense fighting were often in the vicinity of army barracks, which are often located in the midst of residential areas. A 27-year-old woman from Daruvar describes such a situation:

*I live very close to the Yugoslav army barracks just outside our town. For ten days starting September 16, there was a battle for the barracks. Inside the barracks were the Chetniks and the Yugoslav army. Outside was the National Guard. On September 16, it was a real fight for the barracks, shooting all the time. Our house was badly hit. We stayed in the basement the whole time. By the end of the day, the National Guard had taken the barracks. As they escaped the barracks, the*

*Chetniks and Yugoslav soldiers killed everyone on their way to the village. They stabbed five people on the way. Some of the Chetniks were neighbors. They would kill anyone who recognized them. Daruvar is mixed Serb and Croatian.*

*On September 17, airplanes bombed the barracks. Our home is close to the barracks. We could see and hear the attack. It was loud and the explosions caused bright lights. During the bomb attack, the windows were blown out of our house. Seven houses in the village burned down. I saw a dead National Guardsman lying in his blood for four days. They couldn't take his body away because of all the shooting. It started to smell.*

*There was a ceasefire from September 17 until September 26, but you could still hear shooting the whole time. Croats and Chetniks were shooting each other across two villages. We could not leave the village because the woods were filled with Chetniks. During the ceasefire, we tried to work in the field harvesting potatoes. In the field you could see the grenades and mines, some still not exploded. After the ceasefire, on September 27, [the day she left], the fighting started up again with airplanes and everything.*

While the passions unleashed in the fighting in Croatia might harken back to an earlier era, the weapons are fully modern and lethal. A Red Cross worker commented, "The problem in Croatia is that it is very unsafe to go anywhere. Heavy weapons are being used. Quiet places become pure hell overnight."

The destruction described by the refugees is numbing. One said:

*My own village, Otok, has been completely abandoned. It's impossible for me to go back to my house. The village is in Croatian hands, but is being constantly pounded by artillery. It is completely flattened now, like a level table.... The planes have made the difference for the federal army.... Displaced people can take nothing with them. There will be lots of epidemics, diseases. There are already lots of dead cattle. No one has harvested the corn. There will be nothing to go back to.*

A quarter of the Croats and ethnic Hungarians said they knew or believed that their homes were completely destroyed. Another fifth of them said that they knew their homes had been damaged. Forty percent said they did not know the condition of their homes. Only eight percent said that their homes were still undamaged.

There may be an element of pride or false hope among refugees who said that their homes had not been destroyed. One of the refugees who said her home was undamaged, a 63-year-old Croatian woman from Zadar, held in her hand the fragment of an artillery shell during the interview:

*We went through a hard attack. We were attacked by sea, by air, by tanks and artillery. On Saturday [October 12, two days before the interview took place], the blockade of the town was lifted to allow women and children to leave. On Sunday, again, you couldn't leave. This [the shell fragment] hit in front of my home. I am still nervous from this.... Here, I am all right, satisfied. I only have to calm down, to get over my fear.*

A refugee from Vukovar whose house took a direct hit maintained that it was still habitable:

*I was with my family down in the ground hiding. We could not go outside the town. While I was there, there was shelling. One shell hit my house, went through the roof all the way down to the basement. The house was not destroyed though, but the hit went all the way to the basement, and broke all the glass, all the windowpanes in the house. It was an artillery shell. During the ceasefire, on August 30, I saw a building explode near my home and 24 people, including 8 children, were injured. My kids were on the street at the time, but not close to the explosion. But that explosion made my kids afraid. Because of that, I wanted to get my kids and go out from this town.*

Any hope that this refugee's home was still standing at the time of the interview in mid-October would be an illusion by November. In the aftermath of the fall of Vukovar, a group of journalists was permitted to enter the once-besieged city. In a November 19 dispatch, a *Washington Post* reporter observed:





*A cancer clinic in Szigetvar, Hungary has been converted into a refugee shelter that was housing about 150 people in October. These ethnic Hungarian women from Croatia were staying in one of the old hospital rooms.* USCR/ B. Frelick

*Not one roof, door or wall in all of Vukovar seems to have escaped jagged gouges or gaping holes left by shrapnel, bullets, bombs, or artillery shells—all delivered as part of a three-month effort by Serb insurgents and the Serb-led Yugoslav army to wrest the city from its Croatian defenders. Not one building appears habitable, or even repairable. Nearly every tree has been chopped to bits by fire-power.*

Many also said that they believed their homes to have been looted. Since the looting would have taken place after their homes were abandoned, there was no way to substantiate such claims, which were heard often.

A factory worker from a village on the outskirts of Sibenik, a coastal city between Zadar and Split, talked about what he thought the current conditions were back home and what he expected would happen if his home fell into enemy hands:

*My home is among four villages that are now surrounded by the Serbian army. There are still about 50 people in those villages. Yesterday, four men tried to get out. They were shot and killed. Their bodies still haven't been recovered. There's no food or water for those trapped there. We haven't heard anything from them for twenty days now.*

*What the army does is first they attack a village, that forces the people to flee. Then,*

*they come with trucks and loot the village. They take food, possessions, even collect food from the fields. They take the trucks back to Serbia. They sell our cars and collect the money. Everything Croatian goes to Serbia. Everyone here is robbed.*

This man added, "Now that I have found my wife and children, I will go back to the village and fight. I just arrived yesterday. It is difficult to leave my family. But I must."

While the dangers of staying are considerable, escape is also fraught with peril. Many modes of transportation were used to make the escape. Often two or three different types of vehicles would be used for a single journey. The most frequently mentioned were bus and car. Trucks and tractors were also frequently mentioned. Others traveled by train, bicycle, boat, and, in the case of several of the Serbian refugees interviewed, by plane. Several refugees--usually men--said that they made their initial escape on foot.

Passage along the roads was unsafe, whether the refugee was traveling as part of a convoy or spontaneously. Many of the refugees who fled from the Baranja region into Hungary said that they had encountered armed Serbs who questioned them before allowing them to pass. Some described them as border police, others said they were Chetniks. Refugees from other parts of Croatia more frequently mentioned attacks rather than roadblocks. A 28-year-old housewife who left spontaneously from Karlovac stated:

*On the Friday evening before I left, I asked a friend to pick me up Saturday morning. There was an air raid alarm when he arrived. He came and left. It calmed down on Saturday afternoon and I called him again. Sunday he came and took me and my two children in his car. Just then the attack started again. We drove through shooting and grenades. We were lucky not to be shot.*

A refugee from Zadar, who left in an organized convoy, spoke of the dangers they faced:

*We left in five buses. We left the town, but we didn't know where to go. We couldn't take anything with us, just a little bag. We had to wait because we were blockaded. Then, on*

*Saturday, we managed to cross the bridge out of Zadar. The bridge only had one lane that had not been destroyed. Everywhere we saw run. The buses were attacked. For three days attacks continued. Then, when there was a temporary ceasefire on Saturday, we could leave. I was afraid we would be bombed or strafed by planes. But it was raining [bad weather for flying], so it was not so dangerous.*

## Serbian Refugee Experiences

Because of the small number of Serbian refugees interviewed, a tabulation of their backgrounds and experiences could not be said to have any statistical significance. However, the individual testimonials stand in their own right. The Serbs displaced from Croatia who were interviewed were more likely than the Croatians to cite fear of massacre as a reason for having fled, and less likely than the Croatians interviewed to have had directly experienced shelling or bombings. A typical statement, from a 70-year-old woman who had just arrived in the courtyard of the Red Cross in downtown Belgrade from a small village in Croatia, was that "we were afraid to be murdered. I heard about massacres, ears being cut off, eyes being gouged, children's fingers being made into necklaces." A 60-year-old farming woman from a village northeast of Zadar said:

*One of my friends was killed by the Ustasas [the name Serbs give to Croatian guerrillas]. They had long hair and wore big crosses around their necks. She was buried without a proper burial, her name couldn't be put on the cross.*

A 71-year-old woman from Sarva, a village about 9 kms. from Osijek, said:

*We were walking on the street in Osijek when a girl said, "They are slaughtering people in Sarva." They slaughtered six people [she proceeded to give the names of the six people and told a bit about them].... A man from Sarva led the Ustasas around pointing out the Serbs to them so they could kill them. Outsiders did the killing, but one local Croat told them who to kill.*

Among the Serbian refugees were also people who left after the violence had already reached them. A 38-year-old factory worker from Mirkovci, a town near Vinkovci in eastern Croatia, told of a mortar attack that occurred at the end of July:

*On that day [July 31, the day she left], shells fell for about eight hours. It had started the day before. We hid in our cellar for a day and a half. One man was murdered at work. He was a car inspector. The Croatian Republic police grabbed him. They killed him and threw him away. It happened on July 24. We were taken in army personnel carriers to Sid. They took two full truckloads of people—all women and children—about 30 people. No women and children are left in Mirkovci now.*

A 28-year-old dressmaker from Zadar said:

*We were under very great pressure. Some houses were mined. Some people would drive by in their cars and throw grenades at Serbian houses. Sometimes they would take distinguished people, beat them up and then release them. All the restaurants, all the stores were damaged. Not a single one remains. Twenty houses were ruined in one night. But this started months before, as early as April and May. The situation got worse the week before we left [she left on September 26].*

The Serbs were more likely than the Croatians to cite specific instances of friends and relatives having been singled out for harassment or persecution. A 27-year-old housewife from Smokovic said:

*My brother-in-law had to walk 8 kms. to his workplace. One day he got about halfway there and the Croatian national guard caught him. They put handcuffs on him and took him in their car. They beat him and fired their guns around his head. They drove him to another village to see if he was known to be a member of some party or some other forces. But the people there recognized him and said good things about him. So after that they released him. But they drove to his working place and*

*took his car, his license, all his documents. He came home alive, but without his car or any of his documents. This is quite a common thing that happened to him.*

The typical refugee on either side of the conflict in Yugoslavia has not been targeted individually for persecution, but rather has fled war and generalized violence. However, among the Serbian refugees who were interviewed was a 42-year-old woman, the head administrator of the Red Cross in one of the communes of Rijeka, a city on the coast, who fit the classic refugee definition of a person with a well-founded fear of persecution.

The fact that she was married to an officer in the army, yet also had a responsible position in the Red Cross led some of the Croatian nationalists to suspect her. She had saved newspaper clippings from four successive days in September in which she was accused by name of being a Chetnik supporter and of diverting blood and cash donated to the Red Cross to the Chetniks in the Krajina region [a Serbian-populated area near the coast that has declared itself autonomous from Croatia]. "They threatened to murder me if I did not leave," she said. "The Croatian police told me they could not guarantee my safety."

## Refugees in Hungary

Within the span of a few years, Hungary has been transformed from a society that kept its borders closed to prevent the escape of its own citizens to one that insists on keeping its borders open to refugees seeking asylum within its territory. At a time when most governments are retrenching their commitments to refugees and asylum seekers, Hungary is responding to the flow from Yugoslavia with generosity and good will (although it must be noted that Hungary includes a geographical reservation to its accession to the Refugee Convention, excluding non-Europeans from its protection).

At the time of the USCR visit, the number of refugees entering Hungary from Yugoslavia was estimated at about 25,000 (with some estimates ranging as high as 35,000 and others as low as 15,000). By December, the number in Hungary was estimated at 45,000.

The majority of the refugees were

unregistered and staying with private families in Hungary's border region with Yugoslavia. There appeared to be a high level of sympathy for Croats, in particular. An estimated 80,000 ethnic Croats live in Hungary, concentrated in the frontier region, and have maintained close relations with the Croatian community across the border. Similarly, ethnic Hungarians from Yugoslavia often have close, established ties with friends and relatives in Hungary. Therefore, as few as 10 percent, about 3,300, were being housed in public facilities at the time of the USCR visit. Another 13,700 had registered for assistance. The Red Cross and church groups were supplying host families with food and hygiene packets to encourage their hospitality, but voluntary officials readily admitted that their assistance was not sufficient to cover the costs to members of local communities who had opened their doors to the refugees.

The Hungarian government was doing its part--with international assistance--to encourage Hungarian citizens to keep their homes open to refugees. These incentives included reductions in monthly heating bills for host families and providing food stamps to the refugees staying in private homes for use in local grocery stores.

Statistics on registered refugees from the Hungarian Interior Ministry in October showed 68 percent of the total to be Croats, 26 percent ethnic Hungarians, and 3 percent Serbs. Women represented 43 percent, men 24 percent, and children 32 percent of the total. The age breakdown was as follows:

AGE	
0-2: .....	5.7%
3-14: .....	20.0%
15-17: .....	4.9%
18-59: .....	60.5%
60 and over: .....	9.0%

Like the other former Soviet-bloc states, Hungary is struggling economically with the transition to a market economy. Unemployment, until recently nonexistent, now exceeds 300,000. Some of the hard-hit areas are in the south. Mohacs, the site of a refugee facility that held 267 on the day of the USCR visit, and with another 1,200 refugees registered and living in private homes in the town,

has 20,000 of its own citizens, about 10 percent of its population, unemployed. Yet the headmaster of the local school that is running an afternoon shift to instruct refugee children in the Croatian language, said, "The public attitude is completely positive. You could not hear any negative opinion about this situation. The local people are sorry for them. They want to help."

Although public attitudes have been positive, officials working in the government's Department of Refugee Affairs, who are sensitive to public opinion, note subtle shifts since the government bureau was created in 1988. One official in Budapest said:

*Our work started with the collapse of the Ceausescu regime. At that time, refugees were mainly of Hungarian origin. Hungarian society provided help, not just in a humanitarian way, but in a euphoric atmosphere. And this attitude was the same when the Hungarian population saw on television the situation in Yugoslavia.*

*But considering the whole four years, the economic situation is making people less tolerant. When a 30-year-old man suddenly becomes unemployed, he sees the refugee as a competitor for the same job.*

Most of the facilities visited were either nominally guarded by a single gatekeeper, but through which people could freely pass in and out, or not guarded at all. Of course, with the overwhelming majority of refugees not in public facilities at all, very little stands in the way--other than the state of the economy generally--of their trying to enter the local economy in the event of a more prolonged stay.

The exception to this open approach is the Nagytd camp, the largest facility, a former army barracks, which held 1,300 at the time of the site visit. Citing worries about the effect on the local townspeople, the camp administrator stated that refugees are not permitted to leave the camp. He said categorically that the refugees would not be permitted to work.

However, in Nagytd, as in the other Hungarian facilities, the attitudes of the camp administrators seemed genuinely humanitarian. They also operated in a well-organized, professional manner. Conditions in the camps were good. All facilities

were well-maintained and clean, with adequate recreational space. The buildings--no tents--were in good repair. Local schools were being used for school-age children. Hungarian doctors and nurses made regular visits. Hot meals were served.

Among refugees interviewed in six different facilities, few had complaints, and those were minor. Nearly everyone expressed gratitude to the Hungarian government and people. A 49-year-old Croatian housewife from Otok, near Vinkovci, now at the Nagytad camp, said, "It is okay here. I am not accustomed to Hungarian food. But I am grateful to Hungary for this place. But I'm homesick. I want to go home."

Camp administrators commented on the high number of elderly and infants, both of whom demand extra care. Providing education for school-age children also created strains on budgets. Although newcomers have generally arrived in decent health, the camp director at Mohacs said that he could tell which of the new arrivals had been living in cellars, because "their clothing and hair are full of lice."

Many of the new arrivals come with little more than the clothing on their backs and with very few resources. A Red Cross worker observed:

*They come running; they come with nothing. It is tragic to meet such people. Some arrive in a work suit, some were just feeding the animals and had to run, some in their pajamas, jumping out of bed. Most arrive like that.*

A new phenomenon was just starting at the time of the USCR visit. Previously, those coming to the refugee facilities had crossed directly from Croatia and sought assistance. However, some of the newest arrivals in the camps in October were of people who had already been in Hungary for a period of weeks, staying with local families, but whose money had run out. A factory worker from Vukovar said that he had been staying with his uncle, but that he had a small place that was already filled with other relatives from Croatia. After sleeping in the kitchen for a time, he left and was staying in a church shelter in Nagyharsany. Some of the refugees who were housed in public accommodations said that they initially paid for rooms in private homes until their money ran out.

Camp administrators most frequently cited baby goods, diapers, baby food as the most needed goods. Men's shoes were a particular problem at the time of the visit. Camp administrators were all looking anxiously ahead to the winter months, as well, and the added demands for warm clothing and adequate heating fuel.

Although there is no clear category in Hungarian law for war refugees--Hungary has signed the 1951 Refugee Convention, which defines refugees on the basis of a well-founded fear of persecution--the refugees from Yugoslavia have not been required to demonstrate their claim to refugee status before being assisted. Not a single refugee interviewed in Hungary reported having had any difficulty with Hungarian authorities at the border. Coming with or without passports, they were admitted and assisted. Hungary does not require visas for citizens of Yugoslavia. People entering at the border are given 30-day, renewable permission to stay as tourists.

In October, a Hungarian official from the government's refugee department said that since July only 140 persons from Yugoslavia had actually applied for political asylum under the terms of the 1951 Refugee Convention. "The others didn't apply because they see their situation as temporary. The police give them a temporary residence permit to legalize their stay." He said that the refugee office has negotiated with the police to extend the residence permits for Yugoslavs from one to three months, and that this procedure is the basis for assigning food and health assistance.

Although USCR interviews with refugees in Hungary confirmed that most indeed expressed an interest in returning home, even among this group a significant number doubted that they could return anytime soon. Others clearly were seeking alternatives to repatriation. Among the Croats interviewed by USCR in Hungary, 85 percent said they wanted to return, while 15 percent expressed an interest in resettling in a third country. None of those interviewed said they wanted to remain in Hungary permanently. The typical Croatian response was articulated by a factory worker from Vukovar who said, "I will not go back into a Serbian state. In the case of an independent Croatia, I will go back. I would like to go back, maybe to build another house." The refugees' interest in repatria-

tion was qualified--political and security conditions had to be met before the Croatian refugees would consider returning. Many expressed pessimism about how long it would take for these conditions to be met.

Among the ethnic Hungarians in Hungary, a slightly smaller fraction, two-thirds, expressed an interest in returning to Croatia. They expressed the same reservations as the Croatians who wanted to go back. Among the third who did not want to return, most expressed an interest in resettling in Western Europe, principally Austria, Germany, or France. Only one person said categorically that she wanted to remain in Hungary.

It appeared that the authorities, not the refugees themselves, had made a blanket decision not to use the asylum system for individual refugee-status determinations. None of the refugees interviewed seemed aware of the possibility of applying for asylum individually, what that would entail, and what rights might accrue with a positive determination of refugee status.

### Refugees in Slovenia

The legal status of refugees in Slovenia has been even more elusive than in Hungary, given Slovenia's own ambiguous legal status. Despite declaring its independence from Yugoslavia, issuing its own currency, and acting like an independent state, Slovenia's sovereignty had not been recognized by the international community at the time of the USCR visit. However, cushioned from Serbia by Croatia and without any significant Serbian minority, Slovenia has been spared the destruction currently underway in neighboring Croatia and provides an attractive refuge from the fighting.

Although Slovenia, like Hungary, has been generous and humane in its treatment of Croatian refugees, the offer of assistance is not universally extended to anyone fleeing Croatia. Slovenia's new leadership has entered into an agreement with the new authorities in Croatia to assist only persons meeting certain age and sex criteria intended to prevent able-bodied Croatian men from fleeing, as well as geographical restrictions limiting flight to those coming from the most severely endangered areas. The criteria are listed in two letters from

the Croatian government. The first, dated, September 26, 1991, says that a person must fall within one of the following categories to be accepted as a refugee:

- 1) Children under the age of 14;
- 2) Mothers with children up to the age of 10;
- 3) Unaccompanied children until the age of 18;
- 4) Men over the age of 65;
- 5) Women over the age of 60;
- 6) People who are physically or mentally handicapped who cannot defend their country;
- 7) Exemption for those from the active population who, according to the opinion of an expert, have experienced extraordinary hardship.

A second letter, dated October 2, listed the areas within Croatia from which persons should be treated as refugees. Zagreb was absent from the list. Also, since the list originates with the Croatian authorities, there is no mention of Bosnia-Herzegovina. A local official with the Slovenian Red Cross said, "We accept people only for the designated areas, not for others. A lot of persons from Bosnia have come to Slovenia, but we have turned them down." He maintained that no one is turned away at the Slovenia border, but that only those meeting the criteria set out in the two letters from the Croatian government are registered as refugees and assisted. The remainder are considered to be tourists.

As of October 14, the date of the interview with the Slovenian Red Cross officials, the number of registered refugees in Slovenia was 18,728. They estimated that another 7,000--perhaps not meeting the refugee criteria--were unregistered. Despite these numbers, however, the number housed in camps was quite small. There are two camps in Ljubljana. One, the Zbirni Center, held 235 people (91 women; 20 men; and 120 children). The other, DOM SCT, held 202 (78 women; 36 men; and 98 children) on the days of the USCR visit. Neither camp was crowded. In fact, Zbirni had a capacity for 500, and DOM SCT for 700. There were empty beds, vacant rooms.

Conditions at both camps were good. The gates to the camps were open and unguarded. Refugees were given bus tokens to go into town. A doctor made daily visits to DOM SCT and twice a week to Zbirni. Hot meals were served.



#### A DAY IN THE REFUGEE CAMP

We get up early and eat breakfast. Before lunch we have playtime. Everyday is like this. It is quite monotonous. This is a day in the refugee camp. But what shall we do in a situation like this? There is almost no solution for the whole nation. We don't pay anything. We get toys without paying. So we don't pay even for fun. This is due to nice people here who give money. Other people don't have enough money themselves, but still give for us. But even though people help us and try to make our stay here comfortable, something is missing here. I miss MY home. I know that a home can never be replaced. But time will heal everything. I am sure that after some time I will forget about what is going on here now. But for the moment I know it is very hard to bear. It is the war.

This essay was written on the lid of a cardboard box by an 11-year-old Croatian boy in the DOM SCT camp in Slovenia. After coming upon the essay in his room, the USCR investigator went in search of the boy, who was outside

playing. Asked why he had left his home in Petrinje, southwest of Sisak, the boy, pictured here, said:

*We heard shooting, so we left. We were threatened all the time by the Chetnik people. They wanted the town empty. We left several times, but then went back. Finally, we decided to go to Zagreb.*

*The Chetniks threatened everyone to make us leave. The [Croatian] government told us to stay. We couldn't decide whether to stay or go. Probably our house is ruined. It has been damaged by bombs and mines and burning. From Sisak we could see the houses burning for several days. Our village is burned.*

*Those who left are alive now. The others are all killed. They hanged the educated people to make the others see. They stabbed people and put them in mass graves. My grandfather was killed at that time in Petrinje.*

His mother told USCR that she is divorced, and the boy does not know his father. He was raised by this grandfather who had been like a father to him.

Aside from complaints about the food, the refugees generally gave a positive assessment of camp conditions. One must bear in mind that only a relatively few refugees make it into the camps. From this can be inferred that they tend to be destitute (and often to have suffered great losses back home) and also grateful to have basic food and shelter. Typical positive responses about camp conditions reflect the lowered expectations of people who have suffered tremendous losses. "Here we have food and water," said a refugee from a suburb of Zadar. "We had neither before." Said another, "As far as food, it could be better. But never mind. We are here to endure. We have no other choice." Many, when asked about current needs, talked about the psychological toll. A 67-year-old farming woman from Glina, a town southwest of Sisak, said, "It's hard for the children. They were afraid during the attacks. We left everything at home. It's important that we have food, a place to stay."

A number of the refugees expressed their fear at having no money and at being completely dependent. This heightens their sense of vulnerability and loss. Many of the refugees wept during the course of interviews, particularly when asked about their homes and their hopes for the future. Although nearly all of the refugees interviewed said they would like to return, almost all also believe there will be nothing to return to and that it might not be possible to return at all. A woman from the Serbian-declared autonomous region in Banija, who fled after the home that she had built from her earnings as a guestworker in Austria was destroyed, expressed the impact of total loss:

*I might want to go back to my home, but they have destroyed it. All the houses have been burned and torn down. Nothing remains. We couldn't go back. The only thing that remains is to go to Austria. I worked there. But now, since my liver operation, I don't think I could find a job, and my husband has no passport and a mental disease.*

*I feel worthless. I have no hope. I have nothing left. We only started from nothing, from scratch. I don't know.... My husband... we are both invalids. We have tried to save. I lived in Austria. I made money. Twenty years have*

*passed in working, building. I saved every shilling to build a house in my home country. I lost my youth. I made a life for myself. Now others have taken everything. It is all gone now. All has crumbled. Now we are poor. Even more poor. Greater orphans than before. We have no money. We don't know what to do when the money runs out.*

*The Red Cross hasn't said they could provide money. We are also afraid of that, afraid we will stay without money. My husband needs cigarettes. I need things. We are afraid of the future. We are not able to shift for ourselves. We can't do anything.*

*Nobody has given me anything. Neither Croat nor Serb. I left at age 17 for Austria. I have never gotten any help from anyone. No help from Yugoslavia as a whole or Croatia. In the end, I am abandoned. I can't believe it myself. I can't believe I'll never see it again. When I remember how my mother took care of the fruit... I cry very often. I'm not conscious yet of what has happened. The government promises we will be able to go back. But to what? A naked land. There is nothing to go back to.*

The needs articulated by camp administrators and Red Cross personnel in Slovenia related mostly to that of warm clothing for the winter, blankets, and goods for babies.

The overwhelming majority of refugees in Slovenia were being hosted by private families. The Slovenian government was providing incentives to local families in the form of food packages, beds, blankets, and sheets, as well as a modest one-time cash grant, for them to host refugees in their homes. But, at the time of the USCR visit, the Slovenian authorities already felt that they had reached the limit of the number of refugees who could be absorbed by the local population and had reached the limit of their ability to subsidize private accommodations. They are conscious of the very fragile condition of their own economy. "The problem has reached a place where we can't handle any more," said one. They had planned for an influx of 10,000, and, at the time of the visit, were tripling that estimate. "Our greatest fear," said a Red Cross official, "is how to cope if this goes on for a long time. Funds for refugees are quite a burden."



## Refugees in Serbia

As of October 15, 120,953 displaced persons had been registered by the Serbian authorities. Most, about 70,000, were staying in central Serbia, of whom the clear majority, 50,157, were staying in Belgrade itself. Another 50,000 had fled to Vojvodina and about 1,000 to Kosovo. The displaced were 58 percent female, 42 percent male. Of that total, 38 percent were children under the age of 15; another 5 percent were over age 65.

The registration and placement of displaced persons in Belgrade is a sophisticated, computerized operation. Biographical data on registrants are entered on computers, as well as information about placement with families and levels of assistance. Of the displaced persons in Belgrade, a clear picture emerges about their areas of origin within Croatia, with the largest groups coming from the following cities and towns:

Vukovar .....	18,000
Osijek .....	12,000
Vinkovci .....	6,000
Beli Monaster .....	4,000
Sisak .....	2,500
Zadar .....	1,900
Zagreb .....	777

A Serbian Red Cross official said that the refugees came in waves starting as early as March 1991 with a group of about 1,500 who crossed the Danube River from Croatia into Serbia. "This first passage was a sign for us to undertake some preparations," he said. And it was a good thing they did. Soon larger numbers began to move from Croatia into Vojvodina and, by the beginning of July, the presence of displaced persons began to be felt in Belgrade. "Although in the beginning," he said, "the refugees were usually people living on the borders of the two republics, by the end of August large influxes began from Zadar, Split, Osijek, and Zagreb."

This official said that the motivations for leaving varied from person to person, but that he would broadly characterize them in two groups. First, were those who escaped from areas where the

conflict was going on. However, he said, the second group, representing the majority of refugees, "escaped because they were fired from their jobs, because their lives were threatened, or because they were living in areas where during World War II Serbs had suffered the crimes of genocide."

With the exception of a small group staying at the Rakovica Convent, none of the other Serbian refugees interviewed by USCR had actually been staying at a center of the type found in Hungary and Slovenia. Therefore, many of the questions asked in those places about conditions of refuge could not be asked of the Serbs.

## Transfer of Serbian Displaced to Abandoned Croatian Homes

The absence of any collective centers for the displaced in and around Belgrade was surprising and noteworthy. Outside Serbia, it was indeed remarkable how successfully the Hungarians and the Slovenes had managed to find private accommodations for the refugee population. But in both cases, public facilities were needed and used for those who could not be placed privately. But in Belgrade USCR had to search for refugees. On the day of the visit to the Red Cross center in Belgrade, the USCR investigator was told that 2,000 refugees had arrived the night before. Yet, about noon of the following day, there were only a few refugees to be found milling about the Red Cross courtyard. USCR was told that everyone had been placed.

USCR did meet with a variety of government (both Yugoslav and Serbian) and Red Cross officials in Belgrade who were generous with their time and information. They were not helpful, however, in facilitating direct contacts with the refugees themselves. Without official assistance, USCR visited empty tourist hotels and other locations where local people thought refugees might be staying. Only a few could be found. At the time of the visit, none of the officials interviewed divulged information about plans to resettle displaced persons in homes abandoned by fleeing Croatians. However, this information has come to light subsequent to the USCR trip.

In an article in the November 25, 1991 *Washington Post*, Blaine Harden writes about the first of a group of 20,000 Serbian displaced persons

who were being resettled in Croatian homes in the Baranja region, now fully under Serbian control. Serbs who had fled from farming villages in western Slavonia located between the towns of Virovitica and Daruvar were now being bused to the Baranja region, a triangle in eastern Croatia created by the Drava and Danube rivers and the Hungarian border. Harden reports that the borders of Baranja have been sealed by the Yugoslav army, effectively preventing the return of Croatian and ethnic Hungarian refugees.

"I am miserable. It is not good. It is bad luck to live in another man's house," Harden quotes a 42-year-old Serbian factory worker resettled into one of the abandoned Croatian homes as saying. "When the owner of the house comes back, I don't know what will happen."

In addition to reporting on the resettlement of Serbs into the Baranja region, Harden also casts doubt on Serbian media reports that the Serbs fled

their homes in western Slavonia after an all-out armored attack by Croatian militiamen. He cites European Community observers who visited the area and said there was evidence of fighting, but not of wholesale destruction of villages. He also cites testimonies of Serbian refugees appearing on television in Bosnia-Herzegovina saying that it was the Serbian-dominated Yugoslav army, not the Croatian militia, that gave them 48 hours to leave.

**"Those who were doing the attacking covered their faces because they knew survivors would recognize them.... These used to be our friends. We grew up together as playmates."**

*This Serbian woman had just arrived at the Red Cross in Belgrade and was waiting for relatives to pick her up.*

*USCR/B. Frelick*



## CONCLUSIONS AND RECOMMENDATIONS

As mentioned at the outset, this paper is being written both at a time of active fighting in Croatia and while intense peace negotiations are underway. Our recommendations must be viewed both in the context of the fluid and ongoing nature of the conflict, as well as our own particular mandate to respond to that dimension of the war involving forced migration. Therefore, while we will not engage in a detailed examination of peace plans, we nevertheless acknowledge the critical importance of arriving at a negotiated settlement that will resolve the cause of this massive, tragic displacement. Our conclusions and recommendations will be divided into three parts: first, a look at the adequacy of the legal frameworks for protecting refugees of war in Europe; second, an examination of the root causes of the conflict--the nationalities question, which has renewed relevance throughout much of Europe--and how new solutions ought to be sought to address new causes of displacement; and, third, interim recommendations to facilitate assistance and protection within the warring Yugoslav republics until such time as the conflict is resolved.

### CONCLUSION I: Calling a Refugee a "Refugee"

Until this point, this paper has used the terms "displaced person" and "refugee" interchangeably. Legally, however, these, and other terms, carry specific meanings. A "displaced person" is still within the frontiers of his country of origin. This has important significance because the mandate of the UN High Commissioner for Refugees covers only refugees who have crossed an international frontier. The "refugee" definition, in addition to requiring the person to be outside his home country, also describes a refugee as a person who cannot or will not return "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion." The "persecution standard," as it is often called, suggests that persons designated as refugees must be able to establish a plausible personal threat of harm related to one of the five specific grounds enumerated

in the definition. Therefore, persons fleeing war and generalized violence would not qualify *per se* as refugees under the 1951 Convention and its 1967 Protocol. Another term of importance is that of an "asylum seeker," a person claiming refugee status, whose case has not yet been definitively decided.

The crisis in Yugoslavia, the first full-fledged war in Europe since World War II, reveals the strains and inadequacies of the refugee definition as found in the 1951 Refugee Convention and the 1967 Protocol, whose definitions have been incorporated into the domestic laws of most West European states.

Officials in the bordering states of Austria, Italy, and Hungary were all quick to point out to USCIR that persons fleeing the fighting in Yugoslavia could not be considered to meet the persecution standard of refugee law. One official used the term "externally displaced persons" to describe the situation of Yugoslavs who had crossed an international frontier in search of refuge.

While officials in all three countries appeared receptive and sympathetic to these "externally displaced persons," their assurances sounded somewhat hypothetical and casual. All said that Yugoslavs fleeing the fighting would not be turned away and would be given temporary accommodations. But without a legal framework to protect them, their status would remain *ad hoc* and subject to the whim of domestic politics.

As an example of this, in March 1991, Italy faced a sudden, mass influx of 28,000 Albanian asylum seekers. Although initially overwhelmed, the Italians finally dealt with this group in an orderly manner, dispersing them to reception centers throughout Italy, conducting refugee status determination interviews, and assisting in finding jobs. However, when another group of 17,000 arrived in August, the asylum seekers from this group were all summarily deported. None, including about a thousand who had been promised refugee status determination interviews, were given access to the asylum procedure. It is easy to be generous when the numbers are small or hypothetical, but what will be the response of West European states after tens of thousands have crossed their borders and when the prospects for repatriation anytime in the foreseeable future appear bleak?

Lacking a convention recognizing people fleeing civil strife as refugees, refugee law in Europe

has been limited to the definition of "refugee" from the 1951 Refugee Convention and its 1967 Protocol, which defines refugees exclusively in terms of persons fearing persecution. Therefore, Europe is legally ill-equipped to protect war refugees. Refugee claimants are entered individually into determination procedures for asylum in Western Europe. But there is little guidance for dealing with a mass exodus from war. When governments refer to these refugees as "externally displaced persons," are they in fact distancing themselves from their obligations to assist and protect them? As part of Western governments' increasingly restrictive asylum policies, even the persecution standard has become incrementally narrowed and rarified. We are in danger of defining many refugees out of existence.

While asylum approval rates throughout Western Europe continue to drop, most of these states have been reluctant, in practice, to deport war refugees. Often designating these "externally displaced persons" with terms such as "B status," "de facto status," or "humanitarian status," many who do not qualify for asylum according to the Convention definition of refugee--using the persecution standard--are not sent home when governments recognize that they could be harmed upon return. While this has prevented the deportation of persons to particularly dangerous or repressive countries, it nevertheless often leaves denied asylum seekers in legal limbo. "B status" varies from country to country, but it essentially provides a minimum of protection from deportation without granting the rights--such as permanent residence--that would apply to a person found to be a bona fide Convention refugee.

Some have criticized the wide use of B status in Western Europe for allowing governments to deny larger numbers of refugees asylum, by creating a "second class" status. While in practice it does present governments with an inexpensive alternative to asylum, and therefore might be misused by governments as an attractive alternative to asylum even in cases involving a bona fide claim based on the persecution standard, B status has the value of recognizing that people legitimately flee and are in need of protection for a variety of reasons, and that the solutions for different types of refugees are not necessarily the same in all cases.

The more telling criticism of this approach has been its ad hoc--and sometimes politicized--nature. A number of European countries, includ-

ing Austria, Belgium, Denmark, Germany, and the U.K., grant some variant of B status without having a specific provision for doing so in their national law codes. France has no such provision, does not issue legal status to persons in such circumstances, but, in practice, does not appear to pursue deportation of rejected asylum seekers from certain war-torn countries.

In other cases, some form of B status is incorporated in domestic law. Countries such as Denmark, Finland, the Netherlands, Norway, Sweden, and Switzerland have laws that allow certain rejected asylum seekers to stay on humanitarian grounds.

For many years, the United States operated on an ad hoc basis, allowing the Attorney General to designate certain countries for "extended voluntary departure." During those years, the U.S. Administration was often criticized for designating EVD in an arbitrary and highly political fashion, extending blanket protection, for example, to nationals from Poland as late as 1989, while at the same time declining to grant EVD to those fleeing countries aligned with the United States, such as El Salvador, Guatemala, and Sri Lanka, where civil wars were raging.

Under the Immigration Act of 1990, Congress established criteria for the Attorney General to use in determining what nationalities qualify for "temporary protected status" (and mandated TPS for Salvadorans). The law states that the Attorney General can postpone deportation and grant work authorization if he finds "that there is an ongoing armed conflict within the state" that would "pose a serious threat to [the] personal safety" of nationals who would otherwise be deported to that state. Although TPS has been designated for nationals of El Salvador, Kuwait, Liberia, Lebanon, and Somalia, as yet, Yugoslavia has not been so designated.

At the end of 1991, the numbers of Yugoslavs fleeing the war outside Yugoslavia were not overwhelming. As noted above, the numbers in Hungary by year's end were estimated at 45,000, but only a relative handful were being entered into the asylum procedures. By December 1991, Austria was hosting an estimated 8,000, and Italy was hosting about 5,000.

At the same time, Yugoslavs have been one of the major populations seeking asylum in Western Europe for the past several years, including

thousands of persons from regions not engaged in warfare, such as Kosovo, where ethnic Albanians have been persecuted. In 1991, the number of asylum seekers from Yugoslavia rose dramatically. In Germany, 78,854 asylum applications were filed--three times the number of Yugoslavs who had applied for asylum in Germany the year before. Even for those whose flight might have been predominantly motivated by the war, the only available option for seeking refuge throughout most of Western Europe was to apply for political asylum, adding to the strains and backlogs of already overburdened adjudication procedures throughout Europe.

**The reality that the West must confront is that being a war refugee is as legitimate a reason for fleeing one's homeland and seeking protection of another state as is the prospect of political persecution.**

Further complicating the picture is the presence of hundreds of thousands of Yugoslav "guestworkers" in Austria, Germany, and elsewhere, who legally reside as economic migrants, as well as an underground population of undocumented migrants staying without legal authorization. Some who left for economic reasons before the outbreak of war might now have reasons for not returning based on the insecurity of conditions at home.

For many of Yugoslavian origin who entered Western Europe for whatever reason, it has now become unsafe to return home. The war has created generalized conditions above and beyond particular fears of persecution that some Yugoslav asylum seekers might harbor.

With the exception of persons from regions such as Kosovo, and from other regions as well, who might have bona fide claims of persecution based on race, religion, nationality, membership in a particular social group, or political opinion, it doesn't make sense to enter Yugoslav war refugees into costly and protracted individualized asylum procedures based on the persecution standard. Their need for protection is obvious; that the violence that would likely harm them on return is

"persecution" is far less obvious, however.

If Yugoslavia were located in Africa or Latin America, this would not be an issue--the legal standing of war refugees as refugees would be solid. The inadequacy of the Convention refugee definition has been acutely felt in the Third World, where it has been superseded in Africa and Latin America by a more inclusive definition that more closely comports with the reality of forced migration in those parts of the world. Both the Organization of African Unity's (OAU) *Convention Regarding the Specific Aspects of Refugee Problems in Africa* and the *Cartagena Declaration* of the Organization of American States (OAS) include as refugees persons falling within the definition of the Refugee Convention and Protocol, but, in addition, extend protection to persons compelled to flee their country due to foreign aggression (OAU and OAS), occupation (OAU), foreign domination (OAU), internal conflicts (OAS), massive violations of human rights (OAS), or other circumstances that have seriously disturbed public order (OAU and OAS). Within Africa and Latin America, the UN High Commissioner acts in accord with the regional instruments and extends its protection mandate to refugees of war and civil strife. Western governments, led by the United States, willingly contribute to UNHCR for assisting OAU- and OAS-defined refugees in the Third World (though these same states are justly criticized for failing to contribute sufficiently to meet their basic needs), but have never seriously considered adopting these definitions within their own territories.

Until now, post-World War II Europe has not been faced with massive displacement due to war. The Cold War was named so precisely because it managed to approach the brink of all-out war without actually crossing the line that could conceivably have cost millions of lives and unprecedented destruction. But now, full-scale warfare has indeed come to Europe. Suddenly, the OAU and OAS formulations have new relevance.

The reality that the West must confront is that being a war refugee is as legitimate a reason for fleeing one's homeland and seeking the protection of another state as is the prospect of political persecution. Both should be considered as refugees, and the principle of *nonrefoulement*--no forced return--should apply equally to both, as well. Since the definition of "refugee" itself is undergoing change, as seen in its expansion in Africa and Latin

America to include persons fleeing armed conflict, the Western, industrialized democracies can no longer be assured that the forced return of such refugees does not, in fact, violate international law, which forbids the return of a refugee to a territory "where his life or freedom would be threatened." The *nonrefoulement* provision of the Refugee Convention, Article 33, is based on the obligation not to return refugees to life-threatening conditions, but such a threat is posed to both types of refugees, not exclusively to those fearing persecution.

Guy S. Goodwin-Gill, former senior legal advisor for UNHCR and author of *The Refugee in International Law*, argues that the other category of refugees—those fleeing generalized violence from civil war and inter-communal strife—ought also to be protected by the principle of *nonrefoulement*, and that international customary law regarding *nonrefoulement* has, in fact, grown since 1951 to include them within its protection. In *The New Asylum Seekers: Refugee Law in the 1980s*, he writes:

*Those who have fled to escape violence, armed conflict or human rights violations are refugees of concern to the UNHCR and the international community and...should be protected against refoulement.... In any procedure relating to the grant, denial, or termination of refuge, those fleeing civil war or inter-communal strife should benefit from the presumption that their life or freedom would be endangered by reason of generalized violence, armed conflict, or massive violations of human rights.*

### Who is "Internally Displaced," Who a "Refugee" in Yugoslavia?

Another issue related to the question of refugee status is how to consider those people who have fled from one former Yugoslav republic to another. With the break up of Yugoslavia into warring republics, some of whom have declared their independence, it is questionable to what extent the distinction between "internal" and "external" displacement can be maintained. When Slovenia declares itself independent, takes over border control, police, and judicial functions, and sets

criteria (as seen above) to determine which Croatian asylum seekers will be assisted and protected, can the Croatians be considered as "internally displaced persons" even if Slovenian independence has not been recognized by the UN General Assembly? Should Croatians seeking refuge in Slovenia be assisted by the ICRC as displaced persons or by UNHCR as refugees? If they are considered "internal," then interventions on their behalf will be complicated by regard for Yugoslavia's sovereignty and an unwillingness to interfere in her internal affairs. It therefore becomes difficult to address this issue as a refugee question per se, because it raises the more far-reaching political question of international recognition of the secessionist republics.

In the interim, UNHCR has begun to extend its "good offices" to displaced persons generally within Yugoslavia based on a request by the UN Secretary General. In December 1991, UNHCR opened liaison offices in Sarajevo and Zagreb, and upgraded its presence in Belgrade. In January 1992, it was due to open an office in Ljubljana. This method of operation on behalf of displaced persons in civil wars, where the internal boundaries have taken on some of the characteristics of international frontiers, has been used in other hot spots where the question of sovereignty has been ambiguous, such as Cyprus.

### Are Yugoslav Draft Evaders and Deserters Refugees?

Draft evaders and deserters generally engender little sympathy in the asylum context. Men of military age who flee Yugoslavia are no exception.

Officials in both Italy and Slovenia indicated to USCR that they are inclined only to assist people coming from within conflict areas of Yugoslavia. A 20-year-old man from Belgrade, however, would not qualify as being in a conflict area. If he appeared in these or other countries, he most likely would be required to enter the asylum procedure. There, following guidelines laid down in the UN *Handbook on Procedures and Criteria for Determining Refugee Status*, he would need to establish that the penalties he would face upon return would constitute "persecution" as opposed to "prosecution".

## ASYLUM SEEKERS IN YUGOSLAVIA

Although largely overlooked due to the monumental displacement of citizens of what has been Yugoslavia, there remain thousands of asylum seekers from a variety of other countries seeking refuge in Yugoslavia. Yugoslavia's treatment of these asylum seekers falls far short of the minimal standards for refugee protection.

Any asylum seeker who enters Yugoslavia without proper documents is subject to up to 30 days imprisonment for "illegal entry," usually served in small jails in border areas. Asylum seekers who are expelled from Austria after having transited through Slovenia fare no better; they face a possible prison sentence for having "illegally exited" from Yugoslavia. After completing their jail terms, they can be deported to their home countries. During the time of their imprisonment, asylum seekers have no access to legal counsel nor to the UNHCR. Yet during this period, some form of asylum pre-screening takes place.

Those who are not screened in are deported after they serve their sentences. Screened out asylum seekers are generally deported to Albania, Bulgaria, Hungary, or Romania, without ever having seen UNHCR officers. Up until June 1990, Albanians caught for unauthorized exit were subject to a minimum 10-year prison sentence or a maximum death penalty. In January 1991, 368 Albanians were forcibly returned to Albania without having had the option of presenting their refugee claims to UNHCR.

Little is known about the pre-screening procedures or authorities. One indication of their inadequacy, however, is that no person originating from Turkey has ever been screened in. Asylum seekers from Turkey, including those returned from Italy and Austria on the assumption that Yugoslavia respects the principle of *nonrefoulement*, appear to be subject to automatic deportation.

Those who are screened in are transferred to Padinska Skela, a federal detention center outside Belgrade, where they can be held indefinitely without legal recourse. Persons who have been incarcerated in Padinska Skela say that it is worse than the local jails. Former inmates report overcrowding, minimal accommodations, inadequate food, a lack of communication and recreational facilities, and brutality by guards. Some allege that they were beaten to force them to sign voluntary departure forms. Although Padinska Skela only has a capacity for about 150, it generally was holding about 400 during 1991. Consequently, several persons would be assigned to a single bed and were forced to sleep in shifts. In January 1991, 950 persons were being held in Padinska Skela.

From Padinska Skela, however, asylum seekers generally are given the opportunity to contact UNHCR. Although Yugoslavia has signed the 1951 Convention relating to refugees and the 1967 Protocol, the authorities refuse to take responsibility for finally determining refugee status or for assisting recognized refugees. These tasks are left to the UNHCR office in Belgrade. Those asylum seekers who are screened in during their month of detention for illegal entry or illegal exit are then referred to the UNHCR office. Asylum seekers with proper travel documents are also permitted to approach the UNHCR office directly.

Any refugees recognized as such by UNHCR must then be supported entirely by UNHCR. The government refuses to grant refugees permanent residency, insists that they be resettled in third countries, and refuses to contribute to their basic needs for food and housing. Recognized refugees are not permitted to work, are ineligible for government-subsidized health care, and are not allowed to send their children to school. UNHCR, therefore, bears all the costs for those it recognizes as refugees. UNHCR in 1991 was paying for seven centers to

accommodate up to 1,200 refugees at an annual cost of about \$4 million. No private agencies have been permitted to assist with the refugees.

During its visit in October 1991, USCR toured one of these centers, the Avala camp outside Belgrade, where third country nationals recognized by UNHCR as refugees were being housed. At that time, 130 refugees were living there. Conditions were adequate, but dreary. Adults who had attempted to leave the camp as day laborers had been arrested and deported. The refugees themselves were attempting to teach their children informally, since they were not permitted to attend Yugoslav schools. Refugees complained about the amount and quality of the food, about boredom and not being allowed to work or study, about lack of warm clothing, and, most of all, about the dim prospects for third country resettlement.

The remaining 600 or so UNHCR-recognized Albanian refugees in Yugoslavia are in a hopeless situation. They have almost no chance for third country resettlement. For example, the United States will only process those with ties to the United States, which is rare among Albanians who have been cut off from the outside world for decades. And they also have no chance to regularize their status in Yugoslavia.

The number of Albanian asylum seekers entering Yugoslavia tapered off somewhat during the last half of 1991 because of the heavy deployment of the army on the Albanian-Yugoslav border. In August and September, ten persons were shot and killed attempting to cross into Yugoslavia.

Although Albanians remained the largest group of asylum seekers in 1991, Iraqis represented the second largest group, as Yugoslavia does not require a visa from that country. Most arrived with valid passports. The Iraqi asylum seekers were about equally divided among Shi'ites, Kurds, and Christians. But this group, too, has had poor luck in being resettled. Many do have relatives in the United States, but U.S.

policy has been to designate Belgrade only as a processing post for East Europeans, thus excluding Iraqis, Sri Lankans, Somalis, and other non-European nationalities. The irony is that the United States has dropped all East European countries except Albanians with U.S. ties from its list of countries of designated humanitarian concern for refugee processing, with the result that many bona fide refugees in need of resettlement are being excluded.

In 1991, 1,616 persons applied to the UNHCR office for refugee status. Of that number, 906, or 56 percent, were Albanians. Of the total, 53 percent were recognized under UNHCR's mandate as refugees. Of the 770 recognized refugees, 716, or 93 percent, were Albanian. Of the total, 51 percent were recognized under UNHCR's mandate as refugees. Of the 825 recognized refugees, 734, nearly 90 percent, were Albanian. In 1990, 2,462 applied for asylum with the UNHCR office in Belgrade; the number in 1989 was 7,112.

An exception to the general treatment of asylum seekers occurred in March and April 1991 with the arrival of two large groups of Albanians with ethnic ties in Yugoslavia. First, in March, a group of about 1,200 Albanians of Montenegrin origin massed on the border of the Yugoslav republic of Montenegro outside Titograd. Later, a group of about 600 ethnic Macedonians from Albania did the same thing. The two republics admitted the refugees directly and never referred them to UNHCR. The ethnic Macedonians were housed in relatively comfortable surroundings, but little effort was made to place them in jobs or to integrate them into Macedonia. After holding both groups in camps for a period of time, Yugoslavia recognized about 1,400 Montenegrins as refugees and indicated plans to resettle them in Kosovo, a heavily ethnic Albanian region of Serbia. Resettling them in Kosovo was seen as consistent with a Serbian strategy to tip the ethnic balance in Kosovo away from ethnic Albanians. By October, about 250 of the Montenegrins had voluntarily returned to Albania.





Croatian national guardsmen drag a Croatian man from the last refugee ship to leave Dubrovnik on November 14. The Croatian authorities prevent men between the ages of 14 and 65 from leaving Croatia as refugees. AFP

Generally, the UN *Handbook* holds that states have a sovereign right to conscript their citizens, so that draft evasion or desertion per se could not be considered grounds for refugee status. There are certain circumstances, however, under which draft evaders and deserters can be so recognized. For example, if "the type of military action with which an individual does not want to be associated is condemned by the international community as contrary to the basic rules of human conduct," the UN *Handbook* says that "punishment for desertion or draft evasion could...in itself be regarded as persecution."

Perhaps the arms embargo on Yugoslavia could be interpreted as constituting the required international condemnation, but this has yet to be tested.

In the meantime, men of military age who flee the fighting are in particular jeopardy of being returned to a war that the international community solidly opposes.

#### **RECOMMENDATIONS I: Calling a Refugee a Refugee**

The U.S. Committee for Refugees recommends that

- 1) the U.S. Attorney General designate nationals of Yugoslavia and its breakaway republics residing in the United States for Temporary Protected Status;

2) European states protect Yugoslav nationals residing in their countries from deportation until conditions have improved sufficiently to ensure that the personal safety of returnees will not be jeopardized;

3) European states that have not already done so, incorporate into national legal codes humanitarian grounds for staying deportation based on generalized, unsafe conditions in home countries;

4) the UN General Assembly consider drafting a Convention on Refugees of War and Civil Strife, adopting language, as appropriate, from the Organization of African Unity's *Convention Regarding the Specific Aspects of Refugee Problems in Africa* and the *Cartagena Declaration of the Organization of American States (OAS)*, that would universalize the recognition in these regional instruments of the need to protect refugees from armed conflict; and that

5) the UN General Assembly formally condemn the civil war in Yugoslavia as "contrary to basic rules of human conduct," not only because of the atrocities that have been committed, but as a means of providing firm protection to Yugoslav men of military age outside Yugoslavia who might otherwise be at risk of forced return to a war that is opposed by the community of nations.

## CONCLUSION II: Addressing Root Causes

Europe is entering a new era. And it is not a "New World Order." The disorder unleashed by the crumbling of communist domination of Eastern Europe and the Soviet Union is of a type not seen since before World War I. European warfare explodes not between states, but among competing nationalities within multinational states that have lost their power to repress nationalistic drives. The "tribal" conflicts of Africa, the Middle East, and Asia that owe so much to borders drawn by imperial powers who failed to take national identity demographics into account are now beginning to look very familiar to Europeans.

As in Africa, concentrations of European ethnic groups with nationalist aspirations often cross international boundaries. A concentration of some 80,000 Croats living in Hungary provides an important nucleus of support for Croatian refugees fleeing Yugoslavia. Needless to say, the Hungarians greet ethnic Hungarians fleeing the conflict especially warmly, as they have done during the past several years for ethnic Hungarians fleeing Romania. Revealing a similar attitude of national solidarity crossing international frontiers, an Italian refugee official in Rome told USCR that special consideration would be made for several tens of thousands of Yugoslavs of Italian origin along the Dalmatian coast. While the hospitality of Hungary and other neighboring states has been praiseworthy, it should also be noted that their motivations are probably not simply humanitarian. History and ethnicity join to form spheres of interest. This may be expressed as humanitarian concern--and we are grateful when it is--but it would be naive to suppose that other interests, political and economic, are not present as well.

Throughout history, most of the surrounding states have been joined with some part of present-day Yugoslavia, and often harbor proprietary sentiments about those regions, particularly when cultural, linguistic, and ethnic similarities have remained intact, despite political divisions. Therefore, Hungary takes a particular interest in the heavily ethnic Hungarian populated Vojvodina region of Serbia; Austria, perhaps recalling its control of Slovenia and Croatia under the Hapsburgs, today strikes a protective stance towards those breakaway republics; Greece and Bulgaria keep a careful eye on Macedonia; and Albania makes no secret of its desire to unite some day with Kosovo.

Although the war in Yugoslavia is highly unlikely to draw surrounding states into actual combat, it must be remembered that World War I was touched off when a Bosnian Serb assassinated Austrian Archduke Francis Ferdinand, causing the Austro-Hungarian empire to declare war on Serbia. The history of World War II also casts a shadow on the present conflict. Serbs are extremely wary of Germany's role in pushing for the recognition of Slovenia and Croatia in light of Nazi Germany's control of Yugoslavia in 1941, when it established the fascist Ustasha regime in Croatia. For many Serbs--and Croatians too--the fifty years since are

but a blink of the eye; the negative emotions of hatred, fear, and bitterness, as well as the positive emotions of ethnic pride and national solidarity that had lain dormant, were revived with the collapse of the communist party's power to suppress them.

Within Yugoslavia's internal borders, the distribution of ethnic groups in the republics, for the most part, does not closely follow political boundaries. Before the civil war began, Serbia itself was 85 percent Serb; the region of Vojvodina (within Serbia), 56 percent Serb, 22 percent ethnic Hungarian, and 7 percent Croat. Kosovo (also within Serbia) was 78 percent Albanian, 15 percent Serb and Montenegrin. Croatia was 75 percent Croat, 12 percent Serb. Bosnia-Herzegovina, the most ethnically mixed republic, with a 39 percent Muslim, 32 percent Serb, 18 percent Croat distribution, was a tinderbox that had not yet exploded by year's end, but which, having declared its sovereignty in October, had potential for making the violence in Croatia look mild by comparison.

Just the opposite could be said of Slovenia, where a 91 percent Slovene population and geographic isolation (the only republic that does not share a border with Serbia) have combined to spare it from all but relatively minor warfare. Montenegro, which has stood steadfastly with Serbia in the present conflict, and Macedonia (which voted in favor of independence in September) are each comprised of about two-thirds of their respective ethnic groups with the rest a mixture of Muslims (13 percent), Albanians (7 percent), and Serbs (3 percent).

Although economic, ideological, religious, and other factors are part of the mix, the principal reason for the civil war was the unwillingness of Serbia--and the estimated 600,000 Serbs living in Croatia--to allow Croatia to break away from Yugoslavia and carry its Serbian minority along with it. The Serbian minority in Croatia remembers the hundreds of thousands of Serbs massacred during World War II in Croatia, and the new Croatian government failed to assure them of their rights and security in an independent Croatia. This prevented Croatia from peacefully breaking away from Yugoslavia, even though this was what was envisioned in the Brioni Treaty, signed in July, which called for a ceasefire, a delay in the independence of Croatia and Slovenia, withdrawal of the federal army from

Slovenian territory, and, most importantly, an agreement to forge a peaceful solution that would not involve violence in redrawing borders.

The Brioni Treaty did not stem the fighting, however. Serbs in heavily Serbian populated regions of Croatia, such as the Krajina region, a 90-by-30 mile area along the Serbian and Bosnian borders, declared their refusal to live as a minority in an independent Croatia and began an armed struggle to carve out their own autonomous region, or, more likely, with the support of the Serb-dominated Yugoslav army, to redraw the map creating a "Greater Serbia" including heavily Serbian populated areas of Croatia and Bosnia.

Because the conflict in Yugoslavia is essentially a resuscitation of dormant nationalism that had been repressed by the communist state for the past forty-five years, it might be worth a careful examination of pre-Cold War mechanisms for conflict resolution and refugee protection to see whether they might provide potential models for resolving the conflict and finding durable solutions for the plight of half a million refugees and rising. Howard Adelman in the forthcoming *1992 World Refugee Survey* proposes a reappraisal of refugee solutions from an earlier era, suggesting that they may be more relevant at the present time than the durable solutions turned to in the Cold War era:

*These three post World War II solutions to refugee situations [repatriation, local settlement, and resettlement] were very different from the three international responses most widely accepted before World War II, when ethnic conflict was considered the primary cause of refugee flows, rather than economic or political ideology. During that period, three very different permanent solutions were utilized: redrawing borders, exchanging populations, and securing international guarantees for minority rights.... They differ because the latter Cold War solutions are premised on the sanctity of national borders and on the integrity of sovereign states, a rationale arguably reflecting Western desires to resist the expansion of communist ideology.*

Adelman suggests that when displacement was caused by conflicts that were more nationalist in character and less ideological, solutions included redrawing boundaries, exchanging populations,

and instituting guarantees for minority rights. A closer look at such solutions by the international humanitarian community might be warranted not only by the situation in Yugoslavia, but by recent developments elsewhere as well.

Without endorsing aggression and the changing of boundaries by force, the solution to the plight of displaced persons nevertheless needs to be based on a realistic assessment of the situation, including demographic patterns, as they exist. The post-World War II consensus internationally has been that borders are sacrosanct and, in the name of order and stability, should not be altered. But part of acknowledging reality is to recognize that maintaining the status quo no longer necessarily engenders stability.

Thus, the starting point in finding a solution to the refugee crisis in Yugoslavia is to address the root cause of refugee flight--the violent break up of Yugoslavia. First, therefore, must come the realization and acceptance of the fact that Yugoslavia no longer exists. Yugoslavia not only has broken apart, at this point she has been torn asunder. But the worst could yet be to come. We have seen Croatia bleeding and prostrate. Must Bosnia and other parts of Yugoslavia seeking separation become soaked in blood as well before they are able to go their own way? The answer is "No"--further bloodshed is not inevitable; separation need not be violent.

Not only for Yugoslavia, the world community needs now to reject the presumption that existing multinational states should be maintained in all particulars and at all costs. Rather, we need to begin to think of ways to ease transitions of national groupings peacefully into statehood and other satisfactory arrangements, while at the same time maintaining full respect for human rights. Clear guidelines for the protection of minority rights in emerging nations need to be the *sine qua non* of their recognition by the community of nations. At the same time, the international humanitarian community, in particular, ought to take a fresh look at the concept of the peaceful and voluntary transfer of populations or democratically ratified border adjustments to see how those approaches might help to avert bloodshed while according with human rights principles.

We need to avoid a repeat of Yugoslavia where population transfers are compelled by

threats, massacres, and destruction. Following this general principle, the international community in the months and years ahead may well find benefit in turning to an international organization--such as the International Organization for Migration (IOM), which heretofore has been involved mostly in transporting individuals--to develop planned, orderly, and voluntary mechanisms for relocating populations as part of wider peace-making efforts. This should be approached in much the same way that UNHCR has been involved in mass voluntary repatriation programs, such as the one successfully completed in Namibia.

Repatriation programs provide a model as well as a warning. While it is true that repatriation, when voluntary, is the usually best durable solution for a refugee, if it is not voluntary, return to the home country is the worst outcome--in fact it is a violation of Article 33 of the Refugee Convention. We should examine population transfers in the same light. If based on completely voluntary and informed choice by the people being moved as well as

**We have seen Croatia bleeding and prostrate. Must Bosnia and other parts of Yugoslavia seeking separation become soaked in blood as well before they are able to go their own way? The answer is "No"--further bloodshed is not inevitable; separation need not be violent.**

with the consent of the people living in the territories into which they are being relocated, such transfers could provide an alternative to war and chronic displacement. If people are coerced to move, or if host communities do not consent to their arrival, population transfer becomes a serious human rights violation. Historically, such transfers have frequently been used by states to colonize, exploit, or suppress minorities. It need not be so. But history teaches us to be cautious, and to keep the welfare and wishes of the people themselves at the forefront of our consideration of this option.

In the specific case of Yugoslavia, resolving

the causes of conflict and displacement cannot begin until the guns are silenced. The peace plans put forward by the European Community and the United Nations address the essential principles to resolve this conflict--self determination on the one hand, and guarantees for the rights of minorities on the other. The peacemakers, Lord Carrington and Cyrus Vance, have been fair and balanced in their approach. But the fighting has continued. And influential countries, in particular the United States, have held back, seemingly hesitant to consider solutions that have not been tried in many decades and which may have far-reaching consequences for other European states. But the need to move forward is critical. A recent *New York Times* editorial put it best:

*UN action is...complicated by the fact that the Yugoslav federation, though by now a political fiction, remains a member state. That makes the conflict nominally an internal affair....*

*At a minimum, the UN and its member states, including the United States, can drop the paralyzing pretense that federal Yugoslavia still exists. That would free the world body to stop what is already a shooting war between two states and threatens to involve more.*

## **RECOMMENDATIONS II: Addressing Root Causes**

While it normally is beyond the mandate and competence of the U.S. Committee for Refugees to propose solutions of a political nature, and we do not intend to do so in any detail here, we nevertheless see in the Yugoslav situation the first of what could be many refugee disruptions of a kind not experienced in Europe for a generation. Bearing this in mind, the U.S. Committee for Refugees recommends that

1) the United States become engaged in the peace process in Yugoslavia to help break the logjam created in part by a reluctance to acknowledge that we have entered a historical moment when national borders in Europe are changing and that such change

may be in the interest of international peace and security;

2) member states of the UN, including the United States, recognize the independence of Yugoslav republics that democratically choose independence through plebiscites and who guarantee the rights of minorities on their soil, including the right against compelled migration;

3) the international humanitarian community determine whether it would be in the interests of peace and of solving the refugee problem for it to encourage and financially assist voluntary population exchanges (including compensation for lost or abandoned property), predicated on the informed consent of both the people being moved and the population at the site of relocation; and that

4) the international community assist in the reconstruction and rehabilitation of Croatia, which has been ravaged by war.

## **CONCLUSIONS AND RECOMMENDATIONS III: What To Do in the Meantime**

Although our principal conclusions and recommendations have addressed certain far-reaching questions, there are other recommendations that address short- and medium- term needs in the absence of a durable peace.

### **1) Support Private Accommodations for Refugees**

Accommodation of the overwhelming majority of refugees in private homes is one of the most noteworthy--and positive--aspects of this crisis. But the duration of the crisis and the dramatic growth in the number of people displaced have made it harder and harder to keep the displaced out of camps. Time and numbers are the key factors: How long can assistance be maintained? What is the absorptive capacity of host communities? For Croats displaced within Croatia, who join family and friends, and likewise for Serbians fleeing into Serbia, national solidarity, ethnic and family ties are likely to hold for some time. However, what

about Croats in Slovenia and Hungary? In those places, humanitarianism appears to be reaching its limits. Private families will require subsidies.

Given the experience of Yugoslav history, Slovenia will be understandably reluctant to admit what could develop as a Croatian minority within Slovenia. These governments, as well as international humanitarian organizations, recognize the importance of accommodating the refugees in private homes, and have properly directed their assistance into channels that help subsidize families willing to feed extra mouths. Maintaining adequate levels of assistance in the months ahead to support the receptivity of local communities will be money well spent. If such assistance fails to meet this need, the alternative will be the construction and maintenance of camps that likely will be far more expensive in the long run, not least because the camp alternative tends to prolong and exacerbate refugee dependency.

## **2) Humanitarian Assistance Inside Yugoslavia**

Providing humanitarian assistance in a highly politicized war zone is as dangerous as it is difficult. In the face of great odds, including attacks on vehicles bearing the Red Cross emblem, the International Committee of the Red Cross, once again, has done heroic service. Because it is true to its mandate, however, and provides assistance and services to civilians and prisoners on both sides of the conflict, the Red Cross has become suspect in the eyes of certain parties to the conflict and their supporters both within and outside Yugoslavia who cannot countenance any of their assistance being channeled to the "wrong side" in the war. While the ICRC should be proud of this "humanitarian taint," which confirms its true humanitarian neutrality, other mechanisms for assistance could profitably be explored as well that might satisfy partisans—who after all are the most likely to contribute the most—without at the same time compromising humanitarian legitimacy.

For example, it might be worth exploring a joint World Council of Churches/Caritas (or Catholic Relief Services) appeal that could utilize the Orthodox and Roman Catholic church structures for humanitarian assistance in the respective parts of the country where each has a pre-existing base. Thereby, displaced persons within Croatia could be

supported through Caritas and displaced persons in Serbia through the WCC. Appeals to donors could go out jointly or separately. But, coordinating appeals and aid-transfer logistics would establish the principle of humanitarian balance, while also making it possible in practical terms, to reach areas that otherwise might be inaccessible to agencies wrongly perceived as partisan because of their balanced approach.

By whatever means the aid arrives, there is no doubt that the need for assistance is unlikely to diminish anytime soon. An ICRC delegate who has been responsible for distribution of relief through the local Red Cross societies told USCR that the assistance is "getting more African." He said, "We're no longer distributing cacao and toothbrushes. It's basic, cheaper food stuffs now, oil and rice."

The ICRC has recently been joined in its efforts on behalf of displaced persons by an interagency UN appeal. The appeal, launched on December 3, teams the UNHCR with UNICEF and the World Health Organization (WHO) in a \$24.3 million appeal "to assist 500,000 Yugoslavs displaced in their own country by war." UNHCR will be distributing food parcels in coordination with the ICRC and local Red Cross societies, UNICEF will provide health kits for women and children, and WHO will concentrate their efforts on rehabilitation for displaced persons suffering mental health problems as a result of post-conflict trauma.

Private, nongovernmental organizations have also contributed to the effort. In addition to the Red Cross and church-related organizations, both Serbian and Croatian diaspora organizations have been actively involved in fund-raising efforts on behalf of their respective communities in the homeland. Also noteworthy for delivering medicines, pharmaceuticals, and other relief items to Croatia has been AmeriCares, a private relief agency.

The U.S. Committee for Refugees encourages and supports such private humanitarian initiatives. But the need is clearly more than the private, charitable sector can handle. USCR therefore applauds the U.S. government for contributions it has made to the relief efforts. In September and October, the U.S. government contributed \$1 million to ICRC for use within Yugoslavia and \$1.8 million to UNHCR for assistance to Yugoslav refu-

gees in Hungary. Following the joint UN appeal in December, President Bush ordered a \$7 million drawdown from the State Department's Emergency Migration and Refugee Assistance fund to contribute to UNHCR, the ICRC, other international organizations, governments and governmental organizations, and private voluntary organizations assisting refugees and displaced persons from the conflict in Yugoslavia. This crisis is precisely the type of emergency envisioned when the ERMA fund was created, and its use in this case is a tangible demonstration of American humanitarian concern.

### 3) U.S. Refugee Resettlement Processing

In addition to the financial assistance that the U.S. government is already providing, the United States can also play a particularly constructive role for refugees from this conflict who may need the option of third country resettlement. To enable the United States to play such a role, the Secretary of State should designate Yugoslavia as a country of "special humanitarian concern" for purposes of the U.S. refugee resettlement program. Currently, Albania

is the only country in Eastern Europe so designated. The United States has established a regional ceiling of 3,000 refugee admissions for FY 1992. Especially in light of an improved human rights situation in Albania, it makes sense for U.S. refugee processing posts in Europe to take a closer look at Yugoslavs who may be of particular concern.

In this regard, one group that should be noted is inter-ethnic married couples and their families, who in some cases have few prospects near home and for whom third-country resettlement may be the only tolerable and humane solution. There are an estimated 1.5 million mixed Croat and Serb marriages in Yugoslavia. USCR learned of cases in which families put considerable pressure on daughters and sisters to separate from husbands belonging to different ethnic groups. Intolerance has been exacerbated as the country's nationality groups have become increasingly polarized. For such families, it is no exaggeration to say that the civil war pits parents against children and brothers against sisters.



USCR/B. Frelick


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**NEW STEPS TO PREVENT  
GENOCIDE IN BOSNIA AND HERCEGOVINA**

December 10, 1992, Human Rights Day

We the undersigned urge the U.S. government to invoke Article VIII of the *Genocide Convention* to call upon the UN to authorize appropriate action "for the prevention and suppression of acts of genocide" currently being committed by Serb militias in Bosnia and Hercegovina. These crimes, including summary executions, torture, targeted destruction of homes, forced deportation, expropriation of property, and separation of families, together appear to fit the definition of "genocide" in the UN *Genocide Convention* as being intended "to destroy, in whole or in part, a national, ethnical, racial, or religious group." Article I of the Convention requires contracting parties to "prevent and to punish" the crime of genocide. We can conceive of no effective and timely preventive action that does not involve a significantly strengthened multilateral military action to protect civilians in Bosnia.

Specifically we urge as one means of preventing genocide that the UN Security Council declare "safe haven zones" for civilians where they now live in the central and eastern Bosnian towns of Sarajevo, Travnik, Tuzla, Zenica, Visoko, Maglaj, Gorazde, Mostar, and Srebrenica, and announce that further attacks on civilians in these centers will not be tolerated. To wait until additional displacement occurs seems ludicrous. With a final assault on Sarajevo now in sight, it is all the more imperative that civilians be protected in situ. This is an international responsibility in as much as an international arms embargo is a major reason that Bosnian Muslims cannot protect themselves.

Multilateral ground forces and U.S. air support should be used to ensure the delivery of humanitarian assistance to safe haven zones and the protection of



civilian populations at risk in those zones.

Until the genocide is stopped, all other humanitarian interventions--while needed--are half-measures, doomed to take effect only after most of the damage is done. As it now stands, the international community, including the United States, has proven unwilling either to intervene directly to prevent genocide or to provide Bosnian Muslims with the means to defend themselves from being butchered.

Instead, the United States and key allies have offered to resettle token numbers of refugees (the United States has agreed to resettle a total of 1,000, although not a single person has, as yet, been admitted) and to provide relief aid (although without sufficient protection to deliver the aid where it is critically needed).

Bosnians are now being barred from seeking protection in neighboring countries. Croatia has pushed back would-be refugees, saying that it has reached its capacity and citing the insufficiency of offers by third countries to provide temporary asylum to refugees. Many Bosnians who might otherwise have fled to other countries now have no alternative to remaining in bombed-out towns still under siege by Serb militias.

Outside governments, including the United States, have said that they are limiting their offers of refuge so as not to contribute to "ethnic cleansing." If such governments are serious about opposing ethnic cleansing, then it is within their power to stop it. If they are not willing to exercise that power, however, it is intolerable that their inaction (or action) should be allowed to block the escape of people who have been denied the right to defend themselves. In our view, this makes such governments complicit in the act of genocide itself.

In tandem with stronger measures to save lives in Bosnia, we call upon the U.S. government to take immediate steps that will encourage Croatia and other states in the area to keep their doors open to fleeing refugees. Therefore, we join our colleagues concerned with human rights and refugee protection who are urging the United States to immediately make available 25,000 resettlement admissions places for refugees from Bosnia and Hercegovina. Refugees of special humanitarian concern for resettlement should include former civilian detainees, displaced persons in mixed marriages, and homeless widows, many of whom have been sexually abused.

More than 700,000 people are already displaced within Bosnia, and nearly

two million in total have been driven from their homes. More than 100,000 have already died; and hundreds of thousands more could die in the coming weeks as the harsh winter sets in and delivery of relief aid continues to falter.

We therefore also call on the United States and other UN members to implement UN Security Council Resolution 770, which authorizes the use of "all measures necessary" to deliver humanitarian relief in Bosnia. Clearly marked UN convoys should immediately be provided with significant air and ground military escort to travel on direct, all-weather roads to deliver relief aid. Any attacks on such convoys should be met with swift and forceful retaliation.

We do not believe that outside military forces can solve all of Bosnia's problems or make those who appear to have gone mad regain their senses. However, we do believe that if the U.S. acts now, the world community can deal with the immediate problem at hand: How to enable Bosnians to survive the winter.

We take no pleasure in advocating the use of destructive force in pursuing humanitarian ends. However, genocide is an extraordinary crime requiring an extraordinary response. We cannot sit idly by while a people are destroyed.

Roger P. Winter  
Director,  
U.S. Committee for Refugees

Robert P. DeVecchi  
President,  
International Rescue Committee, Inc.

David Harris  
Executive Vice President,  
The American Jewish Committee



***DOCTORS WITHOUT BORDERS USA, Inc.***  
***MEDECINS SANS FRONTIERES USA, Inc.***

**ETHNIC CLEANSING IN  
THE KOZARAC REGION  
(BOSNIA-HERZEGOVINA)**

**Investigation based on information from 60 Bosnian ex-detainees and  
their families now in France (Saint Etienne)**

**A report compiled by:**  
Marie-Rosaire Beriot  
Djallal Malti  
Tashana Batista  
Françoise Saulnier  
Stéphane Saliège  
Anne Fouchard

## Ethnic Cleansing In Bosnia

### SERBIAN LEADERS GUILTY OF A CRIME AGAINST HUMANITY

This report, compiled by Médecins Sans Frontières from interviews with Bosnian ex-detainees from Serbian internment camps who are now in France, reveals that the violence committed by Bosnian Serbs does not amount to a long series of human rights violations or war crimes but rather to a crime against humanity. **A crime against humanity is defined by assassination, extermination, slavery, deportation and any other inhuman act committed against a civilian population.**

This investigation not only completes and confirms the overwhelming evidence collected by Amnesty International, the United Nations and the Council of Europe. For the first time, it demonstrates the working out of a systematic plan of extermination in a specific region.

This report compiles minute and continuous information on ethnic cleansing as it was applied, from 24 May to 1 October, in the town of Kozarac and the surrounding villages (with a former population of 25,000), as well as in four detention camps in the region.

For the first time this investigation presents more than a collection of first-hand witness reports. MSF has checked and double-checked this evidence which now clearly points to a calculated crime against humanity.

**The most striking elements in all this are the following:**

- systematic killing of the educated classes
- deportation and detention of other groups of people under inhuman conditions
- summary executions and indiscriminate massacres in detention camps
- violence against and deportation of women, children and old people under horrific conditions.

Two months after the principle of the release of prisoners was secured, only a very small number of them has actually left the camps as offers of asylum by western countries are insufficient and too slow to come forward.

Moreover, there remains a large number of unidentified camps, which the International Committee of the Red Cross (ICRC) has not been able to visit.

Ethnic cleansing truly puts the human conscience on trial. It must be stopped at any cost.

**Three measures must be taken urgently:**

- the detainees whose release has been secured or could be soon should be given immediate asylum in a third European country;
- the ICRC must be granted immediate access to camps which have not yet been visited or registered;
- all camps must be closed down and detainees be freed immediately.

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## 1 - OVERWHELMING EVIDENCE OF A PROGRAMME OF ETHNIC CLEANSING

During the summer of 1992, international opinion discovered on television Serbian camps in Bosnia in which several thousands of Bosnian civilians were detained in appalling conditions. After the International Committee of the Red Cross (ICRC) visited these camps in early August, it obtained that a first group of 1,560 prisoners be released on 1 October and transferred to the Karlovac transit camp, Croatia.

About 5,000 other detainees, who had been targetted for release too, were waiting for the Karlovac camp to empty. In an attempt to free all of these 6,500, the ICRC and the United Nations High Commissioner for Refugees (UNHCR) launched several urgent appeals for asylum; 25 countries responded positively.

On 28 October, France granted a six-month residence permit to 300 of these detainees. On 16 November, a first group of 87 - 76 with their families - was accommodated in a Sonacotra council building in Saint Etienne.

From 24 to 27 November, Médecins Sans Frontières (MSF) sent a team of two doctors and one psychiatrist, together with three translators to Saint Etienne to assess the psychological and medical needs of the former prisoners.

The MSF team carried out private interviews with 60 of these detainees and their families, to compile the story of their hardship over the past six months.

The results of the inquiry went far beyond MSF's initial expectations. The large number of testimonies, the systematic approach of the interviews, the good conditions in which they were carried out and the origin of the detainees, all from the same community in northeastern Bosnia, all concurred to make this document a unique indictment against the Serbian authorities.

In the face of such first-person accounts, it clearly appears that Serbian violence in Bosnia-Herzegovina does not simply amount to large-scale violations of human rights or war crimes but rather to a recognized crime against humanity. The Nuremberg tribunal described a crime against humanity as "assassination, extermination, slavery, deportation and any other inhuman violence committed against civilian populations."

The Serbs have embarked on a process of systematically exterminating and terrorizing civilian populations in the Serbian-controlled areas of Bosnia, in order to empty them of Moslem and Croatian populations and prevent any return to the previous order.

This report points to the systematic killing of Moslem elites by Serbian militiamen. It also allowed a list of 12 other detention camps not yet known to international organizations to be drawn up.

It confirms a number of allegations laid down in reports by the United Nations fact-finding mission and Amnesty International, both carried out in the same area.

More than the horrific nature of these crimes, this report underlines the methodical, industrial and planned character of the whole process aiming at eradicating all Moslem presence in occupied Bosnia.

The operation of ethnic cleansing in the town of Kozarac and the neighbouring villages (with a total population of 25,000), as well as in four detention camps, was carried out as follows from 24 May to 1 October:

One month before besieging the area, Serbian authorities jammed television programmes broadcast from Sarajevo to replace them with Serbian TV. The local population did not oppose any major resistance to the takeover.

After taking control of the Kozarac region in May and June, Serbian militiamen immediately undertook to massacre part of the population on the spot. People in the administration, or with qualifications (political leaders, lawyers, teachers, policemen...) were systematically shot dead or had their throat slit. Men who had survived this first wave of ethnic cleansing and were fit for fighting, i.e. anybody aged from 18 to 60, were sent to internment camps, in which they were held until their release on 1 October.

Women, children and old people stayed behind in villages for a month before being sent to camps, then transferred towards the Bosnian lines in cattle trucks in June. During all this period, women were prime targets for ransom and violence. Moslem villages (mosques, homes and shops) were systematically destroyed or requisitioned by Serbian families.

Men were held in camps in very bad conditions. No hygiene, no medical care, token food rations: prisoners lost an average 20kg in weight over a period of three months. There they fell victim to daily humiliation and torture. Every night, between five and ten prisoners were killed after serious beatings. Testimonies featured in this document report two large massacres in the camps, making respectively 230 and 50 victims.

A few days before the ICRC's first visit to the camps on 11 August, the Serbs emptied the worst camps and cleaned up and 'refurbished' those the ICRC was to visit. Many detainees were transferred from one camp to another every time Red Cross representatives were due. In Keraterm, detainees who were either ill or bore marks of torture were executed before the visit. However, although the presence of the Swiss delegates appeared to reduce the number of exactions, it did not put an end to torture.

At the end of September, prisoners were asked to sign an acknowledgement of transfer of their land into Serbian hands and a formal promise not to return to the territories of the former Yugoslavia.

**MSF calls on European governments to accept refugees from Bosnia in larger numbers and more dignified conditions than today. As keepers of highly sensitive information, these former detainees are entitled to urgent protection.**

**Moreover, everything must be done to implement the release of the 5,000 prisoners whom the Serbian authorities had promised to free.**

**Immediate access must be granted to the ICRC in camps it has not visited yet. As winter sets in, MSF fears that the conditions in these 'unofficial' camps are even more appalling than those described in this document.**



## 2 - METHODOLOGY USED FOR THE INVESTIGATION

A team of six members of Médecins Sans Frontières went to Saint Etienne to visit the 87 Bosnian Moslem ex-detainees and their families who have been accepted by France for a period of six months and put up in Sonacotra accommodation. The ex-detainees arrived on 16 November and have been granted temporary residence permits.

### Objectives

The objectives of the investigation, which took place from 25-27 November, were:

- with the aid of a questionnaire and a systematic interview system, to put together a history of these men and their families during the past six months;
- to discover their conditions of detention;
- to evaluate the impact of what has happened to them on their present state of health.

MSF's recommendations are the subject of a report which is available to those involved in care for the refugees. This information should help to determine MSF's eventual involvement in Saint-Etienne and to assist in the reception arrangements for ex-detainees in France.

### Members of the Team

The team was made up of:  
 William Péréa, epidemiologist  
 Marie-Rosaire Beriot, doctor  
 Luc Massardier, psychiatrist  
 Djallal Malti, translator  
 Tashana Batista, translator  
 Zlatko Merkes, translator  
 Other translators also assisted the team during the interviews.

### Interviews

Information was gathered from:

- 1) Those who are in contact with the refugees (Sonacotra personnel, volunteers, translators, medical personnel, caring organizations)
- 2) Private and anonymous interviews with each detainee and his family, held in their room.

### Those Interviewed

Out of the 87 ex-detainees at Saint Etienne, 60 were interviewed with their families (a total of 122 people). These interviews were based on a questionnaire drawn up by an epidemiologist and a psychiatrist (questionnaire in annex).

### Information Gathered

The information gathered concerned:

- the age of the detainee, his profession and his address before being interned
- the number and the causes of any deaths in the family
- the dates and duration of detention
- the circumstances of the detention
- the conditions of detention (location, sanitation, food, treatment)
- the living conditions of the families during the detention period
- the conditions of the release itself
- the present requirements in France as regards maternal, medical and psychological help

### 3 - WHO ARE THESE EX-DETAINEES ?

The ex-detainees are **all men** with an average age of 35 (varying between 20 and 67). One social group is over represented:

55 ex-detainees were working class people. Among the others:

1 was a chemist

1 was an accountant

2 were policemen

1 was in charge of personnel in a factory.

#### Families

The average family is composed of 3,5 people. Among the 60 detainees interviewed, there were 159 deaths within their extended family units (uncles, cousins, grandparents).

#### Kozarac Residents (western Bosnia)

59 out of the 60 men interviewed originally come from the town of Kozarac (5,000 inhabitants) and the surrounding villages, in the region of Prijedor (north-west of Bosnia).

#### Events

Kozarac fell into the hands of the army and the Serbian militia on 26 May, after two days of bombardments. All the men between the ages of 18 and 60 were either gathered into groups and taken to the camps in convoys, or were executed on the spot. The women, children and older people remained in the town for up to a month. All the women interviewed had stayed in the transit camp at Trnopolje, some for as long as six weeks, before being sent towards the Bosnian lines.

#### Detention Camps

The prisoners were taken to any one of four camps, apparently depending only on the number of places available:

Keraterm (formerly a ceramics factory in the town of Prijedor): 1,500 detainees

Trnopolje (formerly Kozarac college): 3,000 detainees

Omarska (formerly a iron mine ): 3,000 detainees

Manjaca (formerly a farm, then a military training camp): 3,000 detainees

#### Release from the camps

The ICRC had access to the first camps on 11 August and was then able to register the detainees. On 1 October, a convoy of 1,650 detainees, including the 60 interviewed, left for the camp at Karlovac, in Croatia, which has since served as a transit camp before asylum is granted by a third country.

The families concerned were reunited either through the initiative of the wives who came to look for their husbands, or through the ICRC. They all stayed at Karlovac from 1 October to 15 November.

The choice of a country of asylum was an arbitrary one for the people interviewed. Their priority was to free the places at Karlovac so as to permit the release of further prisoners.

They arrived in France on 16 November.

## **4 - A CHRONOLOGY OF THE ETHNIC CLEANSING IN THE KOZARAC REGION, BOSNIA: APRIL-OCTOBER 1992**

### **I - The fall of Kozarac**

The region of Kozarac, situated in Bosnian Krajina, is a partly rural and partly urban area with a large Moslem majority, particularly in the main towns: Prijedor (120,000 inhabitants), Bosanski Novi, Kozarac, etc. A Croat minority also used to live there, mainly in the towns. The Serbs were present mainly in the countryside or in some villages. Kozarac itself had a population of around 5,000 inhabitants, but when the surrounding villages are included this figure would have risen to around 25,000 for the region. The majority of those interviewed worked in factories and farmed a small plot of land.

The factories processed the basic materials of the region: wood (sawmills, cardboard, paper, cellulose) light metallurgical industry and ceramics. Agriculture depended on small and medium-sized farms.

April: Residents of the Kozarac region could no longer receive Bosnian television programmes from Sarajevo; instead they came from Belgrade.

1 May: Prijedor, the principal town in the area, fell after several days of shelling. The economic life of the town was totally destroyed and the witnesses interviewed lost their jobs without any compensation. The Serbian authorities maintained only the industrial infrastructure. All communication was cut by the Serbian forces, isolating Kozarac from the rest of the world.

20 May: The town was given an ultimatum by the Serbian militia who called on the inhabitants to put down their arms and submit to the authority of the Autonomous Serbian Republic of Bosnia Herzegovina. Kozarac refused to surrender unconditionally and called for negotiations. A new ultimatum was given which would expire on Sunday 24 May at 1 pm, after which hostilities would resume.

2.15 pm on 24 May: Shelling was directed onto the town (the Mazowiecki report gives different dates for the beginning of hostilities, but our witnesses are all clear that it was a Sunday, therefore 24 May). Some of the town's inhabitants fled into the surrounding forests. The bombardment lasted for 48 hours.

Tuesday, 26 May: Kozarac surrendered and Serbian forces entered the town.

### **II - 26 May: Round-ups and Executions in Kozarac**

During the day of 26 May, Serbian militia went from house to house rounding up men aged between 18 and 60 and looting from the houses. Half of those rounded up were executed. Doctors, teachers, civil servants, leaders of political parties and tradesmen were the first victims of these arbitrary executions. The reports we gathered point to a policy of systematic elimination of the local 'elite' and educated people from the moment the town was taken by the Serbian militia. Fikret Hozic, a successful and well-known weightlifter who lived in the area, was also executed.

*"A Serbian militiaman, his face hidden by tank goggles, pointed out who was to be killed: either they were shot or their throats were slit."*

The names of some of these first victims were given to us by the ex-detainees of Saint Etienne: Samir Karabasic, Sendad and Asmir Rizanovic, Pelak X, Kadic X. The bodies were hurriedly buried in the town, near where they were executed.

The other men were formed into groups and then sent in convoys to the camps.

**III - For a month the women, children and old people witnessed the destruction and systematic looting of the town. Civilians were subjected to violence and the houses were requisitioned.**

Ransoms were exacted from the women, who were ill-treated and, in many cases, raped. None of the women interviewed in the presence of their families would admit to being raped, but all of them said that women from 12 years of age were targets of rape.

One woman told of how a Serbian militiaman took her with him when he went to loot neighbouring houses. He hit her, dragged her along by the hair and threatened to kill her and to *"tear out an eye so that you can see what it looks like"*. She was saved by the intervention of a more senior militiaman.

The town was systematically looted, destroyed and set on fire. The detainees questioned passed through Kazarac when they were leaving for Croatia. They saw that the town was almost entirely destroyed. The houses which remain, situated on the edge of the town, are now occupied by Serbs who have requisitioned them.

Formerly there were 13 mosques, a Catholic church and an Orthodox church in Kozarac and its surrounding areas. None remain today. The Orthodox church was destroyed by shelling.

**IV - Massacres in the neighbouring villages in June**

In the surrounding area of Kozarac, especially in the area called Brdo, there were six small mountain villages: Hambarne, Rizvanovic, Rakovcani, Bisceni, Sredice, Carakovo. **They were completely emptied of their inhabitants and a large number were killed right there.**

One former inhabitant of Carakovo gave us a list of 282 names of people killed at this time. The same witness reports 48 missing, 85 men taken to Trnopolje and 32 survivors from the camps. Another witness reports that 75 people from 50 houses were killed in Bisceni. Three-quarters of the inhabitants of these villages (4,500 inhabited 850 houses before the war) have been executed.

The son of one of the survivors, aged 16 and now a refugee in France, was taken by the Serbs to help loot the houses. Together with a neighbour, he then witnessed the death of his uncle, 61 years old, and a neighbour aged 58. "They made them punch each other's head before hanging them from a bridge."

**V - Women, children and old people taken off in convoys**

The convoys of women, children and people over 60 were spread over the period from 9 to 29 June. They were first taken to Trnopolje, a transit camp from where rail convoys went via Doboj in order to cross the Bosna river. They then got back to the Bosnian lines.

The first convoy on 9 June consisted of 5 cattle trucks filled with 1,800 people.

Every five to six days new convoys of around 30 cattle trucks, containing 3,000 people, left from Trnopolje. During these two- to three-day journeys, the women were systematically asked for ransoms. The Serbian militia ordered each truck to put together a certain amount of money or else they threatened to kill the children.

The wagons had no ventilation and the occupants received nothing to drink or to eat. The convoys made halts that lasted for hours. The terrible conditions resulted in the deaths of many old people and young babies who suffocated.

When they got to Doboj they were marched in groups along a mined road before crossing over the river. Once there they were had to hand over the last of the few possessions that remained to them.

They had to cross quickly over the river by an old suspension bridge. One woman fell from the bridge with her two children and was carried away by the water, which was in full spate. Another threw herself from the bridge when a Serbian soldier ordered her to throw her baby in the river.

They had a final walk up to the Bosnian lines of 15 to 20 kilometres.

Other groups of women were taken by bus from Kozarac to Zenica in the Bosnian zone, via Vlasica. They reached the Adriatic coast or Zagreb by whatever means available, mainly in convoys of lorries. They had no news whatsoever of their husbands during the whole of this period up until they were released.

## 5 - THE INTERNMENT CAMPS

All the witnesses (60) stayed in camps close to Kozarac. The majority were held in more than one camp. The camps are close to the most important road in the region, crossing Bosnia from west to east, with strategic importance for the Serbian army as it is its supply route from Serbia itself. Kozarac, from where the majority of witnesses come, is on this road.

**The four camps in which the witnesses were held are :**

KERATERM, close to Prijedor. 23 of the ex-detainees stayed at some point in this all-male closed camp. We were therefore able to have many accounts of this camp which was only visited by the ICRC after the present prisoners were evacuated and the buildings 'renovated'.

OMARSKA, in the town of Omarska, 35 kms south-east of Prijedor. A closed, all-male camp.

MANJACA, a closed, all-male camp.

TRNOPOLJE, 15 kms south-east of Prijedor, also served as a transit camp for some of the families interviewed. Trnopolje is the last place where this group was held. They left on 1 October.

**61% OF THE EX-DETAINEES WERE SUBJECTED TO PHYSICAL CRUELTY DURING THE PERIOD OF THEIR DETENTION.**

### Command of the camps

The camps are administered by armed and uniformed Serbs. The majority of the guards are known to the detainees as they come from neighbouring villages.

*"We used to party together; our children went to school together."*

*"What would you think of a guard who beats a prisoner and then takes him in his arms and hugs him and cries."*

*"They said that we were responsible for the war, that we deserved what was happening to us."*

*"At all costs we had to avoid being noticed by a guard who knew us so as to avoid any retaliation."*

*"They beat us when they did not like our faces. One guard told me to get out of the line-up, and then he beat me with a baseball bat - for no reason. He noticed me because I had a red pullover."*

*"I saw four prisoners beaten for half an hour by four guards. When they were finished, they rested and told the lads to go and get them four cigarettes. They didn't have any because it was the Serbs who sold them to the prisoners."*

### Conditions of detention

Conditions were similar in the four camps. However, when the ICRC was granted access to the camps, improvements were introduced: violence diminished, food rations were distributed more often, covers were made available. The arrival of ICRC representatives also represented some moral support for the detainees. Tracing efforts were also launched for the search of missing members of families.

## I - KERATERM

The prisoners were packed into the warehouses and sheds of this former ceramics factory and forbidden to leave the enclosure of the camp reserved for men.

Number of detainees: 1,500 to 3,000.

Number of witnesses who stayed in Keraterm: 23.

Length of detention: 35 days on average (varied from one to 60 days).

The camp functioned from 26 May to 21 July (57 days). One 21 July it was emptied, cleaned and renovated before the ICRC arrived. It was closed down after the detainees were evacuated.

### Conditions of detention

#### Food

The detainees were beaten at each mealtime. The most they ever received was one meal a day, composed of two slices of bread and a kind of soup (hot water and fat). They were made to crawl while the guards beat them, then run while eating so as to hand back their bowls as fast as possible. Alternatively, they might be ordered to knock their heads three times against the wall in order to be allowed to eat.

*"Anyone who fell down risked never getting up again. Sometimes the guards picked on specific people during the meal, throwing away their soup and bread, and they were given no more to eat that day."*

#### Drinking water

It was river water which had formerly been used as cooling water for the factory circuits.

#### Sanitation

None. No soap for washing.

*"I had to go for 53 days without washing, shaving or washing my clothes."*

Each latrine used buckets or barrels.

*"We were shut up for several days on end in that stink."*

#### Crowding

The detainees were unable to stretch out because of lack of space.

They slept sitting upright, without blankets, sometimes on stairs.

#### Health

There was no infirmary, no medical personnel, no medication, no care whatsoever.

Some prisoners were cared for by a doctor who was detained with them. His name was Jusuf Sadikovic and he worked for an international organization. Three days after he arrived in the camp he was severely beaten and left to die.

#### Sickness

Diarrhoea, fleas, serious weight loss (20 kilos on average)

### Physical cruelty and maltreatments

Number of witnesses who were tortured: 17

Detainees were terrorized physically and psychologically throughout the period of their detention.

*"We had to walk with our heads down and with our hands behind our necks."*

On one occasion, detainees were made to lie on their stomachs in the sun for four hours, then four hours on their backs, forbidden to close their eyes or they would be beaten. At the end of this time, they were hosed down with water.

Detainees were regularly beaten, either for no reason at all or under pretext of interrogation (information on resistance groups, possession of arms or money). In this camp, torture, summary executions and 'disappearances' occurred daily. Militiamen would fling prisoners on to the ground and kick them as punishment for any minor irritation.

Torture was inflicted with the butt of rifles, baseball bats, cutting cables, iron bars, planks and knives. As guards shot at random, wounds were inflicted by 'lost bullets'. Injuries were varied: Serbian crosses drawn in the flesh with cigarettes or knives, for instance.

### Deaths in the camp

Number of dead detainees: 300 witnessed by the interviewees.

Between five and ten people 'disappeared' every night.

Countless prisoners were beaten to death or executed in various manners.

Witnesses recalled the death of two prisoners, laid in the form of a cross on top of one another and pierced with a bayonette.

The leader of the local Moslem party, Party for Democratic Action, was killed on 15 June after having been questioned and beaten up in Keraterm camp. His name was Mujkanovic Avdo. The president of the HDA Croatian party from Prijedor was left to die after beatings he received around 10 or 15 June.

Many detainees took several days to die after having been severely beaten. Often, those in charge of picking up the bodies and the dying people also went missing after carrying out their duty.

### **12 refugees recalled the execution of 200 people in 'room number 3' during the night of 24 July.**

This room accommodated about 230 people, some from villages around Brdo. On 24 July at night, tear gas grenades were thrown into the room. The prisoners thus rushed out of the room, only to be shot by the militia. About fifty prisoners did not die straight away. The day after, all of them, dead or alive, were buried in a mass grave.

### **Witnesses cited the names of some torturers at Keraterm:**

**Zoran Zigic: an officer**

**A 'skin-head' nick-named Douca.**

## **II - OMARSKA**

This is an all-male closed camp. Apart from massive executions, the same treatment was meted out here.

Number of detainees: 3,000

Number of witnesses who transited in Omarska: 12

Number of witnesses who were tortured: 11

Duration of detention: 60 days on average ( from 23 to 74)

Number of killed detainees, according to the interviewees: 800

No hygiene whatsoever.

### **Violence against prisoners**

Among 12 prisoners detained at Omarska, 11 were beaten up. A 23-year-old was hung by the feet from the second floor, after he was seriously beaten. Taken down after several hours, he was then burned with cigarettes and thrown down the stairwell, breaking his jaw



bone and losing consciousness. Unable to eat for ten days, he was taken care of by other detainees. His jaw bone is still badly deformed today.

A 35-year-old man was repeatedly beaten until he lost consciousness. He still bears the after-effects of broken ribs.

Another prisoner was forced to watch on as inmates were tortured.

### III - MANJACA

Formerly a farm, Manjaca was first turned into a military training camp before it became an internment camp. It is situated in the mountains. Detainees were 'accommodated' in barracks and stables. This is an all-male camp.

Number of detainees: 4,000 (4,700 according to the ICRC)

Number of witnesses who have transited in Manjaca: 6

Number of tortured witnesses: 6

Duration of detention: an average 16 days (from 15 to 19)

No hygiene.

Drinking water.

There is no available information on the number of people killed in this camp.

### IV - TRNOPOLJE

Trnopolje served as a detention camp for male detainees but also as a transit camp for women, youngsters under eighteen and old people. It was the last assembly point for our witnesses before they left for Karlovac, Croatia.

Number of detainees: 2,000 at all times. Up to 5,000 or 6,000 when women and children were gathered together before being trucked out of the war area.

Number of witnesses who stayed in this camp: all of them.

Length of detention: 71 on average (from 28 to 130 days)

Trnopolje is a so-called "open" camp situated near the village of Trnopolje, 2 kms away from Kozarac. Detainees are allowed out of the compound, but snipers surround the camps within a radius of 2 kms.

"They allowed us to go out and get food in the surrounding plots as we were given nothing to eat but those who ventured out were never sure they would get back."

The centre of the camp, surrounded by barbed wire, was made up of two buildings. Some prisoners slept there, others built makeshift tents outside.

**Three witnesses told the consistent story of the execution of a convoy of male detainees as they were transferred from Omarska to Trnopolje:**

In late July, four buses with prisoners from Trnopolje was added to a convoy with women and children from Prijedor. About 250 men managed to get on this convoy heading towards Bosnian lines. At Vlasica, the convoy was split into two. The men were put into line and shot dead. Serbs shot them in the back, the last bodies toppling the first ones over into a ravine. Among the 250 men, only 11 survived and made it to a Bosnian-held zone. Women witnessed the killing, reported later in the Croatian press.

Before the ICRC arrived at the camp:

About 170 detainees were killed, according to our witnesses

Number of witnesses who were tortured: 16

Conditions are as bad as in the other camps, before the arrival of ICRC on 11 August.

Violence continued even after this date but there were fewer 'disappearances'.

Five men were executed in the camp by a Serbian soldier called Mladen.

Three other people, registered by the ICRC, had their throats slit about ten days before the witnesses' release: Ahmet Fasic, Hassan Soltic, Hairudin X.

A 68-year-old man called Nezib Ternjin was beaten up by Dusko Coric, a Serbian soldier. He died three hours later.

In each 'cell', a detainee was designated to choose future victims of beatings. They were threatened with death if they refused to comply.

*"Guards came into the tents at night to provoke us. Others stole ICRC food, just to accuse us of stealing it in the morning."*

At first, the military refused to allow the ICRC in the camp. But then they refurbished it, removed barbed wire, painted a building in white with a red cross and filled it with medicines to simulate a clinic. The ICRC registered the prisoners and negotiated their departure for western Europe via Croatia.

**6 - LIST OF UNOFFICIAL CAMPS****Located camps:**

NovaTopola  
Jaruge (Prijedor)  
Drvar (Titov Drvar)  
Gradina (Omarska)  
Kamenica\* (Titov Drvar)  
Mijecanica (Doboj)

**Unlocated camps:**

Mrkonjic Grad  
Sipovo  
Kozila\*

**Camp in Serbia: Rodnik**

*\* One of these two camps has been turned into an internment camp for Serbian prisoners.*



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## SUMMARY OF U.N. RESOLUTIONS CONCERNING YUGOSLAVIA

Updated to February 22, 1993

Security Council Resolution 713	25 September 1991	Resolution 743	21 February 1992
Imposes mandatory arms embargo; appeals for peaceful settlement of disputes; urges parties to honor recent cease-fire agreements; expresses full support for negotiations through the EC sponsored Conference on Yugoslavia; "invites" Secretary-General "to offer his assistance without delay" and to report back.		Establishes UN Protection Force (UNPROFOR) peace-keeping operation, recalling it is an "interim arrangement to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis"; urges earliest possible deployment; wants a budget which maximizes the portion that Yugoslav parties to the conflict pay; calls on Secretary-General to report back; urges efforts to insure the safety of UN and EC personnel.	
Resolution 721	27 November 1991	General Assembly Res. 46/233	19 March 1992
Expresses hope that Secretary-General can present early recommendations, including possible establishment of peacekeeping operation; endorses statement of Personal Envoy Cyrus Vance that peacekeeping cannot be envisaged without all parties first complying with November 23, 1991 Geneva agreement, which calls for Croatia to lift its blockade of Yugoslav National Army (JNA) barracks and for JNA to leave Croatia.		Approves \$250 million initial cost of UNPROFOR.	
Resolution 724	15 December 1991	Security Council Res. 749	7 April 1992
Approves Secretary General's Report containing concept paper for peacekeeping; declares that conditions for peacekeeping do not yet exist; endorses plan for small preparatory group including military personnel to prepare peacekeeping operation; sets up Committee to review compliance with arms embargo and recommend measures to respond to violations.		Approves Secretary General's plan for full deployment of UNPROFOR by mid May 1992; urges parties and others to maximize contributions to secure most efficient and cost-effective operation possible; calls for full freedom of arial movement of the force, and cooperation with EC in achieving cease-fires and negotiated solution to the conflict.	
Resolution 727	8 January 1992	Statement by the President of the Security Council	10 April 1992
Welcomes signing, under the auspices of Personal Envoy Cyrus Vance, of Implementing Accord on January 2 concerning modalities for implementing unconditional cease-fire set forth in November 23 Geneva agreement; endorses Secretary-General's recommendations to send advance group of 50 military liaison officers to promote maintenance of cease-fire.		Expresses alarm over rapid deterioration of situation in Bosnia-Herzegovina; reiterates Res. 749 appeal for end to fighting; asks Special Envoy be sent to the region.	
Resolution 740	7 February 1992	Statement by the President of the Security Council	24 April 1992
Increases advance team to 75 persons; urges expedited preparation for peacekeeping operation so it can be deployed immediately following Security Council decision; expresses concern that the UN plan is not fully accepted by all parties; urges cooperation with the Conference on Yugoslavia and compliance with the UN's arms embargo.		Notes deterioration in the situation in Bosnia-Herzegovina and demands all interference from outside cease; welcomes EC and Secretary-General efforts to obtain respect for April 12 cease-fire; notes decision to "accelerate" deployment there of 100 military observers from UNPROFOR; condemns use of force in Bosnia-Herzegovina; condemns all breaches of cease-fire; urges three communities in Bosnia-Herzegovina to participate actively and constructively in EC talks on new constitutional arrangements; calls on parties to facilitate humanitarian assistance.	
		Security Council Res. 752	15 May 1992
		Demands an end to all fighting, respect for ceasefire, and cooperation with EC in seeking negotiated settlement; demands end to all interference from outside Bosnia-Herzegovina and respect for its territorial integrity;	

demands that all parties cooperate with UNPROFOR and the EC Monitoring Mission and respect their safety; notes the urgent need for humanitarian aid and asks the Secretary-General to consider how he will provide protection for its delivery; demands JNA or Croatian Army units in Bosnia-Herzegovina be withdrawn or subject to Bosnia-Herzegovina government authority or disarmed and disbanded with weapons under international supervision; demands irregular forces be disarmed and disbanded; asks the Secretary-General to consider how to disarm forces in Bosnia-Herzegovina and to consider the feasibility of a peacekeeping mission there; calls for end to forcible expulsions and other attempts to change ethnic composition in former Yugoslavia; notes the full deployment of UNPROFOR in Eastern Slavonia and requests its full deployment elsewhere.

**Resolutions 753, 754** 18 May 1992  
**Resolution 755** 20 May 1992

These recommend admission of Croatia, Slovenia and Bosnia-Herzegovina to the U.N.

**General Assembly Resolutions** 22 May 1992  
**46/236, 46/237, and 46/238**

These admit the three states to the U.N.

**Security Council Resolution 757** 30 May 1992

Notes all parties bear some responsibility for conflict; deplores that 'demands' of Res. 752 have not been complied with; demands that any elements of Croatian Army in Bosnia-Herzegovina comply with Res. 752; condemns failure of Serbia, Montenegro and JNA authorities to meet Res. 752; decides states shall adopt wide-ranging sanctions against "Yugoslavia (Serbia and Montenegro)", including economic sanctions against trade in all but food and medicine for humanitarian purposes, end to air transport unless specifically approved, reduced diplomatic staff in Yugoslavia, prohibition on sport contacts, cultural and scientific exchanges. Demands all parties immediately create "the necessary conditions for the unimpeded delivery of humanitarian supplies to Sarajevo and other destinations... including the establishment of a security zone encompassing Sarajevo and its airport..."

**Security Council Resolution 758** 8 June 1992

Noting June 5 agreement to reopen Sarajevo airport for humanitarian purposes, enlarges the mandate and strength of UNPROFOR to take full operational responsibility for functioning and security of airport as Secretary-General recommended; authorizes him to deploy, when he deems it appropriate, 50 military observers, personnel and equipment to Sarajevo to supervise withdrawal of anti-aircraft and heavy weapons to create security for reopening airport;

once effective cease-fire is in place, requests Secretary-General to return for additional Security Council authorization before deploying an UNPROFOR infantry battalion to "ensure... immediate security of the airport"; strongly condemns all parties responsible for cease-fire violations; demands that all parties and others concerned cooperate fully with UNPROFOR and international humanitarian agencies, taking necessary steps to ensure safety of their personnel.

**Security Council Resolution 760** 18 June 1992

Decides that prohibitions previously imposed against Yugoslavia (Serbia and Montenegro) shall not apply to products for essential humanitarian need.

**Resolution 761** 29 June 1992

Notes "considerable progress" reported by Secretary-General in securing evacuation and reopening of Sarajevo airport; authorizes immediate deployment of additional UNPROFOR elements to ensure security and functioning of airport and delivery of humanitarian aid; calls on all parties "and others" to maintain cease-fire and cooperation with UNPROFOR in reopening airport; without such cooperation Security Council "does not exclude other measures to deliver humanitarian aid to Sarajevo and its environs."

**Resolution 762** 30 June 1992

Recommends establishment of Joint Commission of UNPROFOR, Croatian, and local authorities to restore Croatian authority in "pink zones" -- areas in Croatia outside agreed UN Protected Area boundaries (now controlled by JNA and Serbs); authorizes 60 added military observers and 120 civilian police to monitor well-being of minorities in "pink areas"; approves Secretary-General's 26 June report; urges complete cease-fire and implementation of UN peacekeeping plan; urges Croatian government to withdraw to positions held before 21 June and cease hostile military action in or near UNPA's; urges JNA to comply with UN plan; reaffirms that UN plan "in no way" prejudices terms of political settlement.

**Resolution 764** 13 July 1992

Authorizes deployment of added 600 UNPROFOR to ensure security of Sarajevo airport and delivery of humanitarian aid; commends bravery of UNPROFOR; demands "all parties and others" cooperate fully with UNPROFOR to facilitate evacuation by air of humanitarian cases, to deliver humanitarian aid and to secure safety of UNPROFOR; calls for parties to reach negotiated political settlement; citing international humanitarian law and Geneva Conventions of 1949, affirms that persons "who commit or order

the commission of grave breaches of the Conventions are individually responsible in respect of such breaches."

Statement by President of the  
Security Council

17 July 1992

Welcomes 17 July London Agreement of parties in Bosnia-Herzegovina under Conference on Yugoslavia and calls for compliance; States that Council "has decided in principle to respond positively to the [Agreement's] request for UN to arrange UNPROFOR supervision of all heavy weapons;" calls on parties to declare location and quantities of such weapons and asks Secretary-General to report by July 20 on "implementation and resource implications of this decision;" welcomes Agreement's provisions on return of refugees; welcomes efforts of UNHCR to mobilize international aid; expresses "satisfaction" on resumption of talks on future constitutional arrangements for Bosnia-Herzegovina; stresses need for full compliance with UN resolutions; reaffirms decision to "consider immediately, whenever necessary, further steps" towards peaceful solution; calls London Agreement "important step."

Statement by President of the  
Security Council

24 July 1992

Council concurs with Secretary-General's view (in report presenting concept to implement London Agreement) that "conditions do not yet exist" for UN to supervise heavy weapons in Bosnia-Herzegovina; invites Secretary-General to contact all states, particularly those in "relevant regional organizations in Europe," to request they urgently inform about personnel, equipment and logistics they would contribute to supervise heavy weapons; invites European organizations to enhance co-operation with Secretary-General on Yugoslavia and "in particular, ... would welcome the participation of the Secretary-General in any negotiations under European Community auspices"; invites EC and Secretary-General to examine broadening and intensifying Conference on Yugoslavia; reiterates requests for compliance with Agreement, and for parties to inform UN of location and amount of heavy weapons; calls for cooperation with humanitarian organizations.

Statement by President of the  
Security Council

4 August 1992

Expresses deep concern at "continuing reports of widespread violations of international humanitarian law," particularly "imprisonment and abuse of civilians in camps, prisons, and detention centres" in former Yugoslavia and especially Bosnia-Herzegovina; condemns "any such" abuses; demands relevant international organizations, particularly International Committee of the Red Cross, be granted "immediate, unimpeded, and continued access" to such places; calls on all parties to facilitate access; calls on all parties, States, international and non-governmental

organizations to make immediately available to Council any further information regarding camps.

Resolution 769

7 August 1992

Approves Secretary-General's 27 July report on UNPA's in Croatia; authorizes enlargements in mandate and strength of UNPROFOR to take on customs and border responsibilities; "condemns resolutely" abuses against civilians, "particularly on ethnic grounds," as described in Secretary-General's report.

Resolution 770

13 August 1992

Reaffirms demand for all parties and others to stop fighting in Bosnia-Herzegovina; calls on states to take all measures necessary, nationally or through regional organizations, to facilitate, in coordination with UN, the delivery of humanitarian aid to Sarajevo and elsewhere in country by UN and others; demands "unimpeded and continuous access to all camps, prisons and detention centers be granted immediately to International Committee of the Red Cross and other relevant humanitarian organizations and that all detainees therein receive humane treatment."

Resolution 771

13 August 1992

Strongly condemns any violations of international humanitarian law, including "ethnic cleansing;" reaffirms that those "who commit or order" grave breaches of the Geneva Conventions are individually responsible; demands all parties and others in former Yugoslavia, and all military forces in Bosnia-Herzegovina, immediately cease and desist from all breaches of humanitarian law; calls on states, and "as appropriate," international humanitarian organizations (especially International Committee of the Red Cross) "to collate substantiated information" on violations of humanitarian law in former Yugoslavia and "make this available to the Council." Asks Secretary-General to collate this information and submit a report.

Commission on Human Rights  
Resolution 1992/S-1/1

14 August 1992

At the first emergency Special Session in its history, the Commission on Human Rights asks for appointment of a Special Rapporteur on the former Yugoslavia "to investigate first-hand the human rights situation in the territory of the former Yugoslavia, in particular within Bosnia and Herzegovina, and to receive relevant, credible information on the human rights situation there from Governments, individuals, intergovernmental and non-governmental organizations, on a continuing basis" and to be assisted by existing mechanisms of the Commission on Human Rights; asks Special Rapporteur to visit former Yugoslavia, particularly Bosnia and Herzegovina, to report on an urgent basis to the Commission on Human Rights, with a prelimi-

nary report no later than 28 August 1992; also requests Secretary-General to make the reports of the Special Rapporteur available to the Security Council; requests Special Rapporteur to gather and compile systematically information on possible human rights violations, including possible war crimes, and to make this information available to the Secretary-General; condemns "absolutely" the practice of ethnic cleansing; also condemns "all violations of human rights" in former Yugoslavia, calling for all detainees to be released. Preambular paragraph details kinds of "widespread, massive, and grave" human rights abuses being reported.

ECOSOC decision 1992/305 18 August 1992

Approves Commission on Human Rights resolution and mandate of Special Rapporteur.

General Assembly Resol'n 46/242 25 August 1992

Omnibus resolution on Bosnia-Herzegovina urges Security Council to consider urgently "taking further appropriate measures" under Chapter VII of UN Charter to end fighting and restore territorial unity of Bosnia-Herzegovina; demands withdrawal of Yugoslav and Croatian army units or putting them under Bosnia-Herzegovina's control or under international supervision; reaffirms support for Government and people of B-H "in their just struggle"; condemns violation of the country's sovereignty, territorial integrity, and political independence and massive violations of human rights and international humanitarian law, including "abhorrent practice of ethnic cleansing"; demands further steps to stop forced displacement and other rights violations; affirms states "are to be held accountable for violations of human rights which their agents commit upon the territory of another state"; demands immediate, unimpeded, and continued access of ICRC to all camps and detention centers; demands repatriation of refugees and displaced to their homes and right to reparations; urges "the necessary measures" to protect UNPROFOR and other UN personnel; urges ongoing efforts to facilitate delivery of humanitarian aid.

Statement by the President of the Security Council 2 September 1992

Council "expresses its full support" for the Statement of Principles and other agreements reached at London Conference (August 26-27), part of International Conference on the former Yugoslavia ("ICFY"), co-chaired by Secretary-General and Prime Minister of UK (President of European Community); calls for complete implementation of all its own former resolutions and "notes with satisfaction that the London stage of the International Conference has established the framework within which an overall political settlement of the crisis in the former Yugoslavia ... may be achieved through a continuous and

uninterrupted effort"; welcomes appointment of 2 co-chairmen of Steering Committee "who will direct the Working Groups and prepare the basis for a general settlement and associated measures"; underlines importance of full implementation of commitments made at London Conference; asks to be kept informed asks Secretary-General to make recommendations as appropriate.

Statement by the President of the Security Council 9 September 1992

Condemns "deliberate attack" against UNPROFOR personnel resulting in death of two French soldiers, wounding five others; invites Secretary-General to inform it of findings of inquiry into attack and similar incidents, notably death of four Italian airmen delivering humanitarian relief; states incidents underline importance of reinforcing security of UNPROFOR and all others involved in UN activities in Bosnia-Herzegovina and "expresses its readiness" to adopt measures to this end "without delay."

Security Council Resolution 776 14 September 1992

Authorizes enlargement of UNPROFOR mandate and strength in Bosnia-Herzegovina (by 4 to 5 times the number of personnel), as recommended by Secretary-General's report, to provide protection for convoys transporting humanitarian aid and released detainees if requested by International Committee of the Red Cross ("ICRC"); normal peacekeeping rules to apply; use force in self-defense; preambular paragraph expresses "full support" for principles and agreements from London Conference. Noting offers from many states to make military personnel available, res. urges them to provide financial or other aid, either nationally or through regional agencies, to enable forces to carry out these functions.

Resolution 777 19 September 1992

Since former Socialist Federal Republic of Yugoslavia no longer exists, Security Council considers new Federal Republic of Yugoslavia (Serbia & Montenegro) cannot automatically continue former Yugoslavia's membership at UN. Recommends General Assembly decide that new "Yugoslavia" should apply for membership in UN and that it shall not participate in work of the General Assembly.

General Assembly Resolution 47/1 22 September 1992

Acts on Security Council recommendation on Yugoslavia's participation in UN and General Assembly; adopts same language contained in Security Council Res. 777.

Security Council Resolution 779 6 October 1992

Concerned about Secretary General's 28 September report

on problems facing UNPROFOR in Croatia because of cease-fire violations and "in particular the creation of paramilitary forces", and expressing "grave alarm" at reports of ethnic cleansing and forcible expulsion, approves report and plans for UNPROFOR to monitor arrangements for complete withdrawal of Yugoslav forces from Croatia, demilitarization of Prevlaka peninsula, removal of heavy weapons from Croatia and Montenegro, in cooperation with European Monitoring Mission; calls for greater cooperation with UNPROFOR; asks all parties and others in Croatia to comply with agreements, especially withdrawal and disarming of all forces, including paramilitaries; endorses Croatia-Yugoslav agreement that all statements or commitments made under duress, particularly related to land and property, "are wholly null and void" and all displaced persons have right to return home; strongly supports efforts of International Conference to restore power and water supplies before winter.

#### Resolution 780

6 October 1992

Expressing "grave alarm" at continuing violations of international humanitarian law, reaffirms call for States and international humanitarian organizations to collate "substantiated information", and requests "States, relevant UN bodies, and relevant organizations" to provide this information within 30 days to independent Commission of Experts; Authorizes Secretary-General to establish "an impartial Commission of Experts to examine and analyze the information submitted" under Res. 771 and present one, together with further information as Commission "may obtain through its own investigations or efforts, of other persons or bodies;" asks Commission to provide its conclusions to Secretary-General.

#### Resolution 781

9 October 1992

Decides to establish a ban on military flights in the airspace of Bosnia-Herzegovina which is not to apply to UNPROFOR or humanitarian assistance flights; requests UNPROFOR to monitor ban, placing observers at airfields in former Yugoslavia where necessary; Calls on states to take all measures necessary, nationally or through regional organizations, to assist UNPROFOR with technical monitoring and other capabilities to monitor compliance with ban; undertakes, "in the case of violations, to consider urgently" further enforcement measures.

#### Statement by the President of the Security Council

15 October 1992

Expresses "deep sympathy" to family of Ukrainian UNPROFOR member killed October 10 and expresses grave concern over continued hostile attacks against UNPROFOR members.

#### Statement by the President of the Security Council

30 October 1992

"Appalled" by reports that Serb militia are attacking civilians fleeing Jajce, Council strongly condemns "any such attacks which constitute violations of international humanitarian law..." and reaffirms individual responsibility for perpetrators; "wishes" such violations be brought to attention of Commission of Experts; demands attacks cease immediately.

#### Resolution 786

10 November 1992

Concerned over reports of possible violations of Res. 781, reaffirms ban on all military flights in Bosnia-Herzegovina, reiterates all must comply with it, endorses Secretary-General's concept for implementing it, and approves increase in force by 75 UN Military Observers (UNMOs) to implement and monitor ban. Welcomes advance deployment of UNPROFOR and EC monitors at airfields in Croatia, Bosnia, & Yugoslavia, and reiterates determination to consider further measures necessary to enforce ban.

#### Resolution 787

16 November 1992

Acting under Chapters VII and VIII of Charter, calls on states to use "such measures ... as may be necessary" to halt maritime shipping in order to inspect cargoes and destinations and insure strict implementation of Res. 713 and 757; Prohibits transshipment of petroleum and energy products and other items unless specifically authorized case-by-case; and requests state reports to Security Council for monitoring this resolution; Reaffirming support of International Conference on Yugoslavia, and "noting with grave concern" the Human Rights Commission's Special Rapporteur reports on "massive and systematic violations of human rights and ... humanitarian law" in Bosnia, calls on parties to consider draft constitution as basis for negotiating a political settlement; reaffirms that any taking of territory by force or any practice of "ethnic cleansing" is unlawful and unacceptable, ...and affirms that any entities" that result from this "will not be accepted"; condemns Bosnian Serb non-compliance with its previous resolutions; demands all interference from outside Bosnia, "including infiltration ...of irregular units and personnel, cease immediately" and reaffirms determination to take measures against non-compliance with Res. 752; calls for cessation of hostilities and end of blockades of Sarajevo and other towns, and their demilitarization; "condemns all violations of international humanitarian law, including in particular the practice of 'ethnic cleansing' and the deliberate impeding of the delivery of food and medical supplies to the civilian population... and reaffirms that those that commit or order the commission of such acts will be held individually responsible..."; welcomes establishment of Commission of Experts under Res. 780 and requests it to pursue actively its investiga-



tions; Considers that observers should be deployed on Bosnia borders and asks Secretary General to submit recommendations on this; asks donor states to contribute to humanitarian relief efforts, to cooperate with UNPROFOR to ensure safe deliveries, and demands "necessary measures" to ensure safety of UN and other personnel involved in delivery, and invites Secretary General together with UNHCR and others "to study the possibility of and the requirements for the promotion of safe areas for humanitarian purposes."

**Commission on Human Rights 1 December 1992**  
**Resolution 1992/S-2/1**

At the second Special Session in its history, the Commission on Human Rights notes with alarm the three reports issued by its Special Rapporteur on the former Yugoslavia, Thadeusz Mazowiecki, and condemns violations of human rights he identified, including "killings, torture, beatings, rape, disappearances, destruction of houses, and other acts or threats of violence..." "Categorically condemns ... ethnic cleansing ... recognizing that the Serbian leadership in territories under their control ..., the Yugoslav Army, and the political leadership of ... Serbia bear primary responsibility for this reprehensible practice." Demands action to end and reverse ethnic cleansing. Affirms that states are to be held accountable for violations their agents commit on the territory of another state. Calls on all parties to close immediately all detention centres not in compliance with Geneva Conventions and to release safely all persons arbitrarily or illegally detained; condemns indiscriminate shelling and terrorizing of civilians, "recognizing that the main responsibility lies with Serbian forces." Calls on parties to "apprehend and punish those guilty" of human rights and humanitarian law violations. Calls for efforts to account for the missing. Welcomes establishment of Commission of Experts, encourages its cooperation with Special Rapporteur, and calls for appropriate resources and staffing. Calls on states "to consider the extent to which" acts committed in Bosnia and Croatia "constitute genocide"; Urges Commission of Experts to arrange for "an immediate and urgent investigation ... of a mass grave near Vukovar and other mass grave sites". Expresses concern over dangerous situation in Kosovo, Sandjak, and Vojvodina. Welcomes Special Rapporteur's call for special humanitarian relief corridors and safe areas; requests Special Rapporteur to carry out further missions, report to Commission, and asks Secretary-General to continue to make Mazowiecki's reports available to the Security Council.

**Statement by the President 2 December 1992**  
**of the Security Council**

Criticizes attacks against UNPROFOR personnel.

**Statement by the President**  
**of the Security Council**

9 December 1992

Expresses alarm over reports that Serb militia have renewed their offensive against Sarajevo, endangering lives including those of UNPROFOR and international relief workers, and threatening international peace and security. Cites particular alarm over Serbs forcing local inhabitants to evacuate the city, and warns that such actions would have "grave consequences for the overall situation" in Bosnia-Herzegovina. Strongly condemns attacks as violations of its resolutions and commitments, especially ceasefire, military flight bans, and ensuring humanitarian relief. Warns of "further measures" against those who commit or support them.

**Resolution 795**

11 December 1992

In the first preventive deployment of UN peacekeepers in its history, Security Council authorizes Secretary-General "to establish a presence" of UNPROFOR in Macedonia as recommended in his report. Authorizes military battalion (approx. 700 persons), 35 UNMOs, and civil affairs officers to be sent at once and, after Macedonian government approval, 26 civilian police monitors. Urges close coordination with mission of Conference on Security and Cooperation in Europe already in Macedonia.

**General Assembly Resolution 47/80 16 December 1992**

This generic resolution does not mention any ex-Yugoslav state by name but reaffirms GA Res. 46/242 and condemns "ethnic cleansing" unreservedly, rejects policies and ideologies aimed at promoting racial hatred and "ethnic cleansing", reiterates that those "who commit or order" "ethnic cleansing" are "individually responsible and should be brought to justice" and calls on all states to cooperate in eliminating "ethnic cleansing" and racial hatred.

**Security Council Resolution 798 18 December 1992**

Appalled by reports of "massive, organized and systematic detention and rape of women, in particular Muslim women, in Bosnia and Herzegovina", and demanding closure of all such camps, Council requests Secretary-General to give support to European Community's investigative delegation to enable it to have "free and secure access to the places of detention." Seeks report in 15 days.

**General Assembly Resolution 47/121 18 December 1992**

Controversial resolution (adopted 102-0-57) reaffirms inadmissibility of acquisition of territory by force, Bosnia's inherent right to individual or collective self-defense, and calls for Security Council to adopt "decisive actions" under Chapter VII. Operative paragraphs reaffirm support for the Government and people of Bosnia-Herzegovina in

their "just struggle to safeguard their sovereignty, political independence, territorial integrity and unity," strongly condemns Serbia and Montenegro "and Serbian forces" for their continued "non-compliance" with Security Council resolutions and London Peace accords, urges Security Council to consider exempting Bosnia from arms embargo imposed in Res. 713 (most controversial element in res.), and urges Council to consider authorizing members to "use all necessary means" to restore sovereignty, independence and unity of Bosnia if Yugoslavia fails to comply with its resolutions. Calls for Security Council to consider immediate enforcement of ban on military flights over Bosnia in Res. 781; to consider measures to open more airports for humanitarian relief, and to open safe havens; and urges Council to consider recommending establishment of *ad hoc* international tribunal to punish those who committed war crimes in B-H. Asks Co-Chairs of International Conference on Former Yugoslavia and Secretary-General to report to Assembly by January 18 on their progress and implementation of this resolution.

**General Assembly Resolution 47/147 18 December 1992**

Adopted by consensus, this resolution on human rights in former Yugoslavia endorses Res. 1992/S-2/1 of Commission on Human Rights, particularly its call for states to consider whether genocide has occurred. Commends Special Rapporteur's reports, condemns "abhorrent practice of 'ethnic cleansing' and places primary responsibility for it on 'Serbian leadership in territories under their control in Bosnia and Herzegovina, the Yugoslav Army, and the political leadership of the Republic of Serbia'." Condemns specific rights violations most of which are caused by "ethnic cleansing", and condemns "systematic terrorization and murder of non-combatants." Demands steps to "apprehend and punish" guilty parties, reaffirms individual responsibility of perpetrators or those condoning grave breaches of international humanitarian law and that international community "will exert every effort to bring them to justice", and calls for accounting of the missing; Demands that Yugoslavia (Serbia and Montenegro) "use its influence with the self-proclaimed Serbian authorities in Bosnia and Herzegovina and Croatia to bring the practice of 'ethnic cleansing' to an immediate end and to reverse the effects of that practice." Considers invalid all acts under duress affecting property ownership and recognizes "right of victims" of ethnic cleansing to reparations. Calls for closing all improper detention centres, and releasing all arbitrarily or illegally detained; demands immediate, unimpeded and continuous access to all camps and detention centers for ICRC, Special Rapporteur, CSCE and other relevant humanitarian organizations. Expresses grave concern over Kosovo, Sandjak, and Vojvodina, seeking action to stop "ethnic cleansing". Welcomes Bosnian acceptance of constitutional principles as basis for negotiations. Calls on all UN bodies, including UNPROFOR and Specialized Agencies,

to provide Special Rapporteur "all relevant and accurate information in their possession" on human rights in ex-Yugoslavia. Calls for sending data to Commission of Experts (SC Res. 780). Welcomes Special Rapporteur's call for humanitarian relief corridors, and Security Council's Res. 787 on study of safe areas, "keeping in mind that the international community must not acquiesce in demographic changes caused by 'ethnic cleansing'". Draws attention of Commission of Experts to need for "immediate and urgent investigation ... of a mass grave near Vukovar and other mass grave sites...". Asks Secretary-General to make available all necessary resources. Asks him to ensure full and effective coordination of UN bodies on these issues, to provide Special Rapporteur with staff to ensure continuous monitoring and coordination with other UN bodies, including UNPROFOR.

**General Assembly Resolution 47/166 18 December 1992**

Calls for international cooperation and assistance to facilitate economic recovery of Croatia from the war; seeks aid in return of refugees and displaced; calls for UN needs assessment and possibly a new funding appeal for rehabilitation, reconstruction and development.

**General Assembly Resolution 47/210 22 December 1992**

If Security Council continues UNPROFOR mandate past February 20, authorizes up to \$47.1 million per month through Sept. 20. Requires prior concurrence of ACABQ.

**Statement by the President  
of the Security Council**

**8 January 1993**

Strongly condemns Serb killing of Bosnian Deputy Prime Minister Hakija Turajlic while in UNPROFOR vehicle as "outrageous act of terrorism which is a grave violation of international humanitarian law and a flagrant challenge to the authority and inviolability of UNPROFOR...". Urges utmost restraint by all parties and asks Secretary-General to "undertake full investigation of the incident and to report it without delay."

**Statement by the President  
of the Security Council**

**8 January 1993**

Fully supporting the efforts of Cyrus Vance and David Owen as Co-Chairs of the Steering Committee of International Conference on the Former Yugoslavia, Council reaffirms the need to respect fully sovereignty, territorial integrity and political independence of Bosnia. Endorses Secretary-General's position that "it is the duty of all parties involved in the conflict... to cooperate with the Co-Chairmen in bringing this conflict to an end swiftly." Appeals to all parties to cooperate fully with peace efforts and "warns any party which would oppose an overall political settlement against the consequences of such an atti-

tude; lack of cooperation and non-compliance ... will compel the Security Council to review the situation ... and to consider further necessary measures."

**Security Council Resolution 802 25 January 1993**

After Croatian military attack on Maslenica bridge in Croatian "pink zones" (Serb-dominated areas of Croatia outside UNPAs but "under protection" of UNPROFOR) Security Council, citing lack of cooperation in recent months by Serb local authorities in UNPAs, demands end of hostilities and withdrawal of Croatian forces from these areas and strongly condemns Croatian attacks against UNPROFOR which was protecting civilians there. Also demands immediate return of heavy weapons seized by Serbs from UNPROFOR-controlled storage areas. Demands full cooperation with ceasefire arrangements, including "disbanding and demobilization of Serb Territorial Defense units..." Expresses condolences to families of UNPROFOR personnel who were killed; demands all parties respect UNPROFOR safety. Calls on all parties to cooperate in resolving all remaining issues connected with implementation of peacekeeping plan, "including allowing civilian traffic freely to use the Maslenica crossing."

**Statement by the President of the Security Council 27 January 1993**

Concerned by "flagrant violation" of Res. 802, Council demands immediate ceasefire and compliance with Res. 802. Demands all parties and others fully respect safety of UN personnel and their freedom of movement. States it will hold political and military leaders responsible for safety of UN peacekeepers in area.

**Statement by the President of the Security Council 28 January 1993**

Following incident on Danube River, Council responds to Romanian and Bulgarian complaints: criticizes incident as flagrant violation of Res. 724, calls on Ukraine to ensure no further oil shipments in Yugoslav vessels be permitted, tells Yugoslavia to comply with sanctions against it, and reminds Romania, Bulgaria and other riparian states "of their clear obligations under the relevant resolutions." Seeks explanation of "their failure to fulfil them" by not taking more vigorous action against offending vessel.

**Statement by the President of the Security Council 10 February 1993**

From committee report on detention of Romanian ships by Yugoslav authorities, Council says it learned of threats by Yugoslavs to detain more ships on Danube unless Romania permits Yugoslavia free passage. Commends Romanian government for action it took to enforce sanctions and recalls that Charter obligations prevail over

other international agreements. Condemns any retaliatory action by Yugoslavia and demands it release Romanian vessels and "desist from further unlawful detentions."

**Statement by the President of the Security Council 17 February 1993**

Council condemns blocking of humanitarian relief convoys which endangers both Bosnian civilians and those delivering supplies. Demands that parties and all others allow immediate and unimpeded access to humanitarian relief supplies. Demands all give UNHCR guarantees they will abide by their promises to facilitate resumed aid.

**Security Council Resolution 807 19 February 1993**

Acting under Chapter VII, decides to extend UNPROFOR's mandate for an interim period through 31 March 1993. Demands that "parties and others" comply with UN peacekeeping plan in Croatia and cease-fire obligations. Demands they respect "UNPROFOR's unimpeded freedom of movement" for humanitarian relief, weapons, and equipment. Demands that parties and others stop placing their forces near UNPROFOR units in UNPAs. Demands full and strict observance of UNPROFOR's mandate in Bosnia-Herzegovina. Urges parties and others to cooperate with Co-Chairmen of ICIFY to insure implementation of UN peacekeeping mandate in Croatia including UNPROFOR's collection and supervision of heavy weapons and withdrawal of forces; Invites Secretary-General to rapidly implement UN mandate and Council resolutions, including Res. 802, to ensure security and stability in UNPAs and "pink zones." Invites Secretary-General during interim period to take "all appropriate measures to strengthen the security of UNPROFOR, in particular by providing it with the necessary defensive means" and to study possible local redeployment of units to ensure their protection. Requests report from Secretary-General with financial estimates.

**Security Council Resolution 808 22 February 1993**

Decides "an international tribunal shall be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991." Requests Secretary-General to submit "a report on all aspects of this matter, including specific proposals and where appropriate options for the effective and expeditious implementation" of decision. Asks for report "at the earliest possible date and if possible no later than 60 days."

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